The Emergence of Western Political Thought in the Latin Middle Ages

The Watershed of Modern Politics

Law, Virtue, Kingship, and Consent (1300–1650)

FRANCIS OAKLEY

VISIT...

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VOLUME ONE

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VOLUME THREE

The Watershed of Modern Politics:
Law, Virtue, Kingship, and Consent (1300–1650)

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To

The Pontifical Institute of Mediaeval Studies, Toronto

If a man could well observe that which is delivered in the histories, concerning the religious rites of the Greeks and Romans, I doubt not but he might find many . . . [of those] . . . old empty bottles of Gentilism, which the doctors of the Roman Church, either by negligence or ambition, have filled up again with the new wine of Christianity, that will not fail in time to break them.

THOMAS HOBBES, *Leviathan,* pt. 4, ch. 45

Contents

General Introduction

Acknowledgments

Prologue: Late Medieval and Early Modern Political Thinking: Some Metahistorical Challenges

1. Historical Orientation:
   From War, Plague, and Schism to Renaissance, Reformation, and Revolt
2. The Politics of Nostalgia:
   Empire, Papacy, and Their Twilight Struggle
3. The Politics of Virtue:
   Italy, the Republican Tradition, and the Humanist Political Legacy
4. The Politics of Sin:
   From Aegidius Romanus, Fitzralph, and Wycliffe to Luther, Zwingli, Calvin, and the Radical Reformers
5. The Politics of Deference:
   Old Regal Sacrality and New Divine Right of Kingship
6. The Politics of Consent (i):
   politia saecularis
7. The Politics of Consent (ii):
   politia ecclesiastica
8. The Watershed of Modern Politics

Epilogue

Notes

Bibliography

Index

General Introduction

IN THE THREE VOLUMES that constitute this series it has been my ambition not simply to address, and in adequate depth, the political thinking of the centuries labeled by stubborn historiographical convention as "medieval," but also to effect something of a shift in the perspective from which we characteristically view that body of thought.[1] And beyond that, indeed, it has also been my ambition to engineer, if I at all can, a modest measure of reshaping in the constitutive narrative that has long served to frame the way in which we understand the full course of Western political thought. No more than implicit, that narrative has served nonetheless to determine the periods to which most attention has usually been paid (classical Greece—or, more accurately, the Athens—of the fifth and fourth centuries BCE and Western Europe of the sixteenth to the twentieth centuries). It has served also to foreground the texts on which students have habitually been encouraged to focus (Plato and Aristotle, Machiavelli, the great contract theorists from Hobbes to Kant, the nineteenth-century Utilitarians, and so on) and to frame the interpretative perspective from which those texts have usually been approached. In that formative narrative, it is fair to say, the medieval contribution has never bulked all that large. Certainly it has never succeeded in finding a place under the bright lights of center stage. Instead, the Middle Ages have characteristically been seen as standing out in the long history of Western political thinking as something of an aberration, as a deviation from the norm, as a period in which the "natural" categories of political thinking were pushed to one side by religious motifs of supernatural bent.

Thus despite a century and more of cumulative endeavor in the fields of cultural anthropology and comparative religion, we continue to hear about "the essentially *secular* unity of life in the classical age" and about the Hellenistic propensity for *introducing* the supernatural into politics. We are still reminded that Christianity made "*purely political* thought impossible," that "the peculiar problem of Church and State," which Christianity introduced, involved "the greatest perturbation which has ever drawn men's thoughts about the state *out of their properly political orbit,*" that "medieval Europe offers *for the first*

time in history the paradoxical spectacle of a society trying to organize itself politically on the basis of a spiritual framework," and that it was only with "the collapse of the medieval ideal of a Christian commonwealth" that there occurred "*a return to a more purely political* conception of the State."[2] Such was the perspective embedded also in Walter Ullmann's many learned contributions to our understanding of medieval political thinking.[3] And implicit in this view is the assumption that despite all surface differences there is a fundamental continuity between modern political thought and that of the classical world, both periods being committed, presumably, to the "natural" and "secular" modes of analysis proper to "purely political thought."

I would venture to suggest, however, that that way of looking at things is destined to change if one makes the bracing effort to approach and judge the European and Western political experience from the outside as well as the inside and to see it, especially, from the broader perspective afforded by a reflective engagement with the millennial unfolding of universal or world history. In this work, then, it is my endeavor to do precisely that.

Adopt that perspective, of course, and the transition from the archaic and classical (or, indeed, from the world of Celtic and Germanic paganism) to the Christian outlook emerges as a shift, not so much from a secular to a religious viewpoint as from one ancient and widespread mode of religious consciousness to another and radically different one. In effect, the historical "rhythm" that one finds emerging from the ebb and flow of ideas is not a secular–religious–secular one but, rather, religious–religious–secular. Adopt that perspective, too, and one's attention is inevitably drawn not simply to the marked secularity characteristic of political thinking in the modern era but also to some other of its features that are, historically speaking, really quite singular. Namely, its preoccupation with the nation-state and the emphasis it tends to place on the limited, instrumental, "artificial" nature of that state; the intensity of its focus on the problem of political obligation; its reliance on the notion of consent as the principal route to a resolution of that problem; its specific understanding of consent not in collective terms but as a concatenation of individual acts of willing, and, presupposed by that, its bone-deep commitment to the notion of autonomous individuality, and, with it, its marked preoccupation with the vindication of the subjective rights of individuals.[4] These dominant characteristics of modern political thinking are so familiar to us, so much part of the inherited furniture of our minds, that we are habitually tempted, sometimes at the expense of rampant anachronism, to take them utterly for granted as something *natural* to humankind. Seen from world-historical perspective, however, those characteristics stand out

instead (and in comparison no less with what we identify as our own ancient past than with the cultural heritage of civilizations other than our own) as marked by great singularity and as calling, accordingly, for a strenuous effort at explanation. Embark upon such an effort, moreover, or so I will be arguing, and one is led ineluctably to focus on the Latin Middle Ages as the intellectual seedbed, in political thinking as in so much else besides, of Western cultural singularity. For it was "the Middle Ages," as Umberto Eco once memorably put it, that "turned us into Western animals."[5]

Hence the overall title of this series, obviously and by intention tendentious. That duly acknowledged, I should concede that it is also inadequately descriptive because in order to achieve my purpose, I have had to transgress, and at both ends, the confines of the period traditionally designated as "medieval." Thus at one end I have been led to reach deep into the ancient past, and at the other to extend my story well into the centuries we are now accustomed to labeling as "early modern." Though it remains immovably embedded in the chronological vocabulary we are forced, willy-nilly, to deploy, the traditional periodization of European history into ancient, medieval, and modern (essentially a Renaissance humanist contrivance) is as much a hindrance as a help when it comes to understanding the course of European and Western intellectual history. It has come across time, indeed, to take on the attributes of a cumbersomely Ptolemaic system, calling for an ever-increasing number of enabling epicycles to keep at all functional. If we must operate within that system, it should be recognized that we do so, perforce, uneasily.

Those to whom it is anathema for an historian to seek from the past answers to questions generated by "presentist concerns" rather than chastely restricting himself to the questions that people in the particular period under scrutiny themselves generated, or who are prone to insisting that the historian *must* derive his notions of what is significant from those of people living in the particular historical period under discussion, may doubtless be inclined to label my own admittedly present-oriented approach to the medieval phase in the history of political thought as crassly "presentist" or as mired in some sort of "mythology of prolepsis."[6] While doubtless useful for frightening the children, the charge carries no real intellectual force. Any intellectual history, certainly, that was written in strict conformity with such strictures would be a very odd history indeed. Most such histories, accordingly, will be found to combine, albeit in differing measure, the historian's traditional focus on the historicity of past texts with some orientation also to the concerns and questions generated by the era and circumstances in which the historian is himself doing his writing.[7] And properly so. To attempt to preclude

such an approach on the grounds of some forlorn quest for a species of historical "purism" reflects, I believe, a confusion of concerns pertaining to the genuine historicity of the *meanings* we wrest from the documents of the past with those very different concerns that pertain to the *significance* that we ourselves, anchored in the present, attach to such meanings.[8] As Quentin Skinner has properly acknowledged, there is nothing illegitimate about an historian's being "more interested in the retrospective significance of a given historical work or action than in its meaning for the agent himself." Always assuming, of course, that that historian is not tempted to turn judgments about such a work's significance into affirmations about its contents.[9]

In this work, then, my choice of perspective notwithstanding, it is my hope that medieval specialists will find that the texts discussed have been handled with due attention paid to their embedment in the historically specific conditions and circumstances of the era and society in which they were produced. It being my hope, too, that my overall interpretation may conceivably have something useful to say to nonmedievalists whose concerns have focused on the modern phase in the history of political thought, I have attempted to encourage an appreciation of the conditioning specificities of time and place by beginning with a brief "Historical Orientation." Its aim is to provide at least the general coordinates needed if the evolving argument is to be situated on the historical map. Readers for whom such historiographic props are redundant need not hesitate to skip that chapter and to move on without delay to engage the unfolding argument in the more substantive chapters that follow it.

In the first volume of this series I focused most intently upon the theme of kingship which was central to the first millennium of the Christian or Common Era—its ubiquity worldwide, its deep rootage in the archaic past, its fundamentally sacral character, and the complex transpositions its supportive ideology underwent at the hands of Jewish, Muslim, and Christian writers, Greek as well as Latin. In that volume we saw Hobbes's "old empty bottles of Gentilism" being refilled indeed with the new wine of Christianity, but that move accomplished, astonishingly, without having the effect of immediately shattering them.

During the two and a half centuries covered by the second volume, however, that state of affairs began to change and the first serious cracks began to open up in the archaic cultural carapace under which, so far as politics were concerned, the destabilizing novelties that were part and parcel of the Christian tradition had for long centuries been contained. The period, which was one buffeted by unusually vigorous winds of change and shaped by great intellectual, cultural, and

economic creativity, began and ended with moments of great drama. It began with the revolutionary assault which Pope Gregory VII launched against the age-old and well-nigh universal notion that kings were sacred figures assigned an integral role, if you wish, in the order of redemption. They were now to be viewed, instead, as lay folk and nothing more. And it ended in September 1303 with a moment of aggressive secularity, the abject humiliation of Pope Boniface VIII at the hands of mercenaries under French leadership and in French royal pay. If the Gregorian onslaught did not altogether succeed in eliminating the sacral dimension of kingship, what it did do was to quicken the process whereby the cultural nutriments upon which that royal sacrality had depended for its vitality gradually leached out of the European cultural subsoil. To the early medieval era in which "the sacred and profane had been almost inextricably mingled"[10] succeeded now "a period of firmer boundaries and one in which they came progressively to be disengaged one from another."[11]

That process of disengagement was indeed cumulatively progressive, but it unfolded, as we shall see in this volume, the third and last of the series, very much in fits and starts and not without moments of backtracking. While theories of consent and of the populist basis of political authority evolved toward maturity, the sacred (sometimes quasi-magical) dimension of kingship still retained its purchase on the popular imagination, and especially so in the national kingdoms of northern and western Europe, which were now coming to dominate the European political landscape and seemed increasingly to carry the future in their bones. The stage was set, accordingly, for the appearance in the late sixteenth and seventeenth centuries of the last great body of Christian theory arguing for the sacred character of kingship. Last, that is to say, in a series we have seen to stretch back for more than a millennium to the historic Eusebian accommodation with pre-Christian notions of sacral kingship.[12] This last great body of Christian regal theory is what historians of European political thought have traditionally characterized as the Divine Right Theory of Kingship. Though occasionally portrayed as a somewhat aberrant novelty, in most of its dimensions it was in fact of ancient provenance and essentially archaizing in nature. Hegel once famously proclaimed that "the owl of Minerva spreads its wings only with the falling of the dark,"[13] and when divine right theory came into its autumnal flowering in Europe, the shadows had long since begun to lengthen for the age-old institution to which it accorded so lofty a status. The successive assassinations by Catholic fanatics in 1589 and 1610, respectively, of Henry III and Henry IV of France had been straws in the wind, signs of "the continuing fragility of French monarchy,"[14] sailor's telltales

signaling shifting winds and the portent of heavy weather to come. And that heavy weather did indeed arrive in the form of the riots, disorders, and outright rebellions of the 1640s and 1650s, which reached well beyond France and England and extended to Scotland, Ireland, Spain, Portugal, Naples, Poland, the Ukraine, and Russia, and which have led some historians to speak, accordingly, of "the general crisis of the seventeenth century."[15] The assassination of Henry III, certainly, inspired as it was by the propaganda of the Catholic *Ligue* with its insistence that the king was responsible to the people, has been described as "an unmistakable sign of the waning of the sacral monarchy throughout Europe, the outcome of seven decades of religious reformation."[16] Similarly, the dramatic trial, judgment, and execution in 1649 of Charles I of England had Europe-wide repercussions, and while among a conservative minority it fueled a lively cult of "Charles the Martyr," for others it "marked a decisive rejection of royal mediation between God and the self."[17]

There are, of course, few clean endings in the history of ideas, and that last traumatic episode notwithstanding, notions of regal divine right were still to enjoy something more than a half-life for a century and more to come. But in retrospect, at least, it seems clear that with the tragic fate of Charles I a crucial turning point had at last been reached. If, at the start of the period addressed by this volume, we see imperialistic papal claims to wield a universal temporal overlordship over the emperors and kings of this world being dismissed out of hand by the propagandists of an ascendant French national monarchy,[18] at its end we find the solemn judgment and execution of the English king being hailed by none other than the poet John Milton himself as a "glorious and heroic deed."[19] And we also find other English republicans evoking the book of Samuel's second (hostile and rejectionist) account of the coming of kingship to Israel[20] in order to make the point that it was only in the teeth of Yahweh's own wishes that kingship had been embraced at all by the Israelites and had come thereby to serve as a pattern for other nations to follow.[21] So far as the Christianized version of archaic regal sacrality is concerned, and as the very tenor of Hobbes's own contemporaneous philosophical system makes so very clear, the new wine of Christianity with which the Christian fathers had long ago filled up again those "old empty bottles of Gentilism" had now at long last come to break them.

Acknowledgments

MY ENGAGEMENT AS BOTH teacher and scholar with the issues addressed in these volumes is of such long standing that my indebtednesses exceed my ability to remember, let alone acknowledge, all of them. But some debts stand out and call for recognition. For the sabbatical support and research awards or appointments that afforded me the opportunity over the years to spend much-needed time in a whole series of European and American research libraries and rare book rooms, I must thank the President and Trustees of Williams College; the Social Science Research Council; the American Council of Learned Societies; the National Endowment for the Humanities; the Institute for Advanced Study, Princeton; the National Humanities Center, North Carolina; the Woodrow Wilson International Center for Scholars and the Folger Shakespeare Library, both in Washington, D.C. For the timely award of the Mellon Emeritus Research Fellowship that encouraged and enabled me to commit in my retirement to a project of these dimensions I owe a particular debt to the Andrew W. Mellon Foundation, New York. For their imagination, insight, tenacity, and general good cheer as they wrestled with the challenges posed by such as Eusebius, Augustine, the canonists, Aquinas, John of Paris, Marsiglio of Padua, Locke, Rousseau and the like, I must thank the generations of fine students it was my privilege to teach here at Williams College in my seminars and tutorials in the history of political thought. For their careful reading of the manuscript of this third volume as well as for their kindly criticism and advice, I must thank my friends Janet Coleman and Werner Gundersheimer, as well as the two, most helpful, readers for the Yale University Press. I must also thank my colleagues in the weekly fellows' seminar at the Oakley Center for the Humanities and Social Sciences at Williams, with whom I was able to share a couple of chapters and who aided me with their criticism and advice. I must also thank that Center itself for a timely subvention to assist with the publication of the volume. For her characteristic promptness, accuracy, and efficiency in helping to prepare the manuscript for the press, I am happy, yet once more, to thank Donna Chenail, who has discharged that task so well and for so many of my books. For permission to reprint, in revised, abbreviated,

and updated form material drawn from my “Christian Obedience and Authority, 1520–1550,” in *The Cambridge History of Political Thought, 1450–1700,* ed. J. H. Burns (Cambridge: Cambridge University Press, 1991), 159–92, I must thank the copyright holder, Cambridge University Press. And, finally, for the “watershed” image in the title, I should acknowledge my indebtedness to H. J. Laski. This volume, the third and last in a series of three, it gives me great pleasure to dedicate to the Pontifical Institute of Mediaeval Studies, Toronto, Canada, where, with the help of a wonderful Commonwealth Research Scholarship from the Worshipful Company of Goldsmiths, London, I was fortunate enough in the 1950s to be able to spend two formative years. In so doing, I wish to acknowledge the debt I owe to my teachers and advisors there—to Professors J. Reginald O’Donnell, Joseph Wey, I. Th. Eschmann, Armand Maurer, and, especially, Etienne Gilson who encouraged me to focus my research efforts on the great French conciliarist Pierre d’Ailly. It is with deep gratitude that I remember them all.

Williamstown, Massachusetts, May 2014

Prologue

Late Medieval and Early Modern Political Thinking: Some Metahistorical Challenges

THE STRETCH OF HISTORY addressed in this volume is a daunting one, no less because of the richness, range, and variety of the political thinking it spawned than because of its length and the enormous ideological upheavals that punctuated its course. That fact has often evoked rueful commentary from those drawn nervously to attempting its interpretation. One prominent historian, indeed, brooding about "the welter of ideas" that characterized the late medieval stretch of the overall period, has gone so far as to label it, ideologically speaking, as an "Age of Confusion."[1] From the consent theory of Marsiglio of Padua in the early fourteenth century to Luther's *zwei Reiche Theorie* in the early sixteenth, or from Dante's nostalgic reassertion of imperial universalism to the utopianism of Thomas More and Tommaso Campanella later on, or, again, from the attempt of Augustinus Triumphus right at the start of the period to vindicate papal hierocracy to the novel republican views surfaced by James Harrington right at the end—the sheer range and variety of the political ideas one has to confront are very striking and the complexity of those ideas unquestionably formidable.

It should come as no surprise, then, that in the preface to the sixth and final volume of the Carlyles' monumental *History of Mediaeval Political Theory in the West,* A. J. Carlyle clearly felt the need to disavow any claim to have mounted "a detailed study of every important aspect of the rich and varied 'Political Thought' of . . . [the sixteenth] century" and contented himself, instead, with promising "a treatment of it, primarily, in its relation to that of the Middle Ages."[2] With that disavowal I hasten to align myself. I do so all the more because in order to complete the task I set myself at the outset of this series, I have found it necessary to reach forward in this volume beyond the ambit of the Carlyles' work and to pursue certain topics right down into the mid-seventeenth century. Rather than embarking, then, on a forlorn quest to achieve in a single volume some sort of "full" coverage of political thinking as it evolved across those three

and a half centuries, my purpose is a more confined one. Namely, to identify and to chart the principal continuities and discontinuities in the course of political thinking between the late medieval and early modern centuries, the former having been well described as "a time of germination for the theory and practice of the modern state."[3]

Even within such self-imposed limits, the range and variety of the body of thinking to be addressed still confronts one with something of a bracing challenge. It certainly precludes the convincing construction of any single, cumulative, and unifying narrative and suggests the wisdom of recourse, instead, to an essentially topical approach. That approach, accordingly, I have adopted here. In so doing I have focused especially on what I have called the "politics of consent," but paying due attention also (after addressing the dying throes of the classically medieval conflict between empire and papacy) to the older tradition of thinking that, in one way or another, envisaged political authority as a "punishment and remedy for sin," as also to the remarkable endurance of that even more ancient tradition embodying ancient pagan notions of sacral kingship that, in its Christianized version, was persistently tempted to locate royal power in the order of redemption. Given the enormous amount of scholarly attention devoted in the past half century to the brief late medieval flowering of republican or quasi-republican governmental forms in the city-states of northern Italy, as well as the bold postulation of a continuous tradition of classical republicanism stretching all the way from quattrocentro Florence to Cromwellian England and, beyond that, to the colonial and revolutionary eras in North America, I have devoted a chapter to the "politics of virtue" that came to the fore in the thinking of the civic humanists of the Italian Renaissance. I should properly confess, however, that I have not done so without feeling the countervailing tug of an undertow of skepticism about the very endurance across the centuries in question of any truly continuous tradition of republican *thought,* though I would concede that a rather loose-limbed and intermittent tradition of republican *discourse* may well have existed.[4]

So far as republican or quasi-republican modes of government went, while they certainly persisted throughout our period in Venice and, in the fourteenth century at least, were to be found elsewhere in northern Italy (notably in Florence), by the end of the thirteenth century their age of prominence and vitality had already faded into the past. And if during the Middle Ages they were by no means limited to the region south of the Alps, in comparison with Italian republicanism its northern counterpart must be acknowledged to have been notably undertheorized. In the sixteenth century, republican or quasi-republican modes of governance were to make an appearance in the United Provinces of the Netherlands, and, just after the end of the

period addressed in this volume and in the wake of two civil wars, they were to enjoy a brief moment of prominence under the pale English sun. That duly noted, two pertinent qualifications should be borne in mind. First, that during the era covered in this volume "republicanism" was often evoked as a term of derision. As late as the early nineteenth century, indeed, and as John Dunn has properly reminded us, a good deal of uncertainty lingered on in the minds of Europeans about whether "a modern constitutional republic could . . . hope to provide a compelling recipe for political legitimacy of any real durability."[5] Second, as John Pocock has himself conceded, "*res publica,* or its English translation 'commonwealth,' could [in the sixteenth century] be used to mean any political body, irrespective of whether it was ruled by a monarch or not."[6] As a result, in the minds of contemporaries the line dividing from one or other version of limited monarchy forms of government that we today might conceivably categorize as "republican" remained quite hazy. Thus the Dutch tended to classify their own regime under the *stadtholder* very much as a limited monarchy, and theorists of the day tended likewise to view the *serenissima repubblica* of Venice as a mixed monarchy. It is only after the end of the period addressed by this volume, and ironically so in England during the failed republican experimentation of the Commonwealth and Protectorate (1649–60), that one encounters in the political literature any truly significant and diverse expression of republican sentiment.[7] Though it should be conceded that when that expression did finally come it was of such significance that one historian has been moved to describe it as "the first decisive phase in the formation of modern republicanism."[8]

Throughout the period covered in this volume, then, kingship, whether tending toward absolutism or limited in nature, remained as heretofore the dominant political form and certainly the one to which the political thinkers of the day devoted by far the greater part of their attention. However much has been made of the thirteenth and early fourteenth century republican moment in the city-states of northern Italy, when seen from the longer historical perspective that comparatively brief flowering, in this like the era of the polis in classical Greece, tends to take on the aspect of a "republican parenthesis," a beleaguered island lapped by the waves of an engulfing monarchical sea.[9] And it is the turbulent waves of that sea that should properly command the bulk of our attention here.

So far as the development of political thinking is concerned, we have seen that in the period stretching from the mid-eleventh to early fourteenth centuries, the two principal driving forces were the enduring conflict between the spiritual and temporal powers that Pope

Gregory VII had initiated in the late eleventh century, and the renewed familiarity with the Greek and Roman cultural legacy that characterized the intellectual life of the twelfth and thirteenth centuries. During the period ensuing all that was to change, and amid the turbulence and shifting crosscurrents characteristic of late medieval and early modern political thinking two very different driving forces can be seen to have come to the fore. Other subsidiary factors were unquestionably at work and often in potent ways. But these two driving forces may properly be said to have played the dominant role. And both originated in the wrenching challenges with which in this period the Christian church was successively confronted.

The first of these challenges occurred in the late fourteenth and fifteenth centuries and was engendered by the disputed papal election of 1378 and the subsequent persistence for almost forty years of rival claimants to the papal office and the concomitant division of Latin Christendom into rival territorial "obediences." In the context of the assembly of the great general councils of Constance (1414–18) and Basel (1431–49), and during the course, first, of repeated attempts to end an unquestionably scandalous schism and, second, that once achieved, to remedy the constitutional and institutional conditions that had made it possible, a truly enormous and historic body of literature was generated—theological, canonistic, publicistic—much of it political or quasi-political and, certainly, constitutionalist in nature. It drew its deepest inspiration from Scriptures and from the communitarian nature of the ancient church, with its essentially conciliar mode of governance. But even as formulated by the theologians it drew further sustenance as well as its legal clothing and the lineaments of its constitutionalist precision from nothing other than the commentaries of the medieval canon lawyers. During the conciliar epoch itself it came to be crystallized in the form of what was later to be known as conciliarism or conciliar theory. That theory gave powerful voice to the essentially constitutionalist conviction that side by side with the institution of papal monarchy (and in intimate connection with it) it was necessary to give the church's communal and corporate dimension more regular, prominent, and enduring institutional expression. Stipulating that the ultimate locus of authority resided in the universal church itself rather than in its papal head, it insisted that under certain circumstances the general council representing that church—acting even apart from or in opposition to a legitimately elected pope—could exercise a governmental authority superior to his. By so doing, it could also impose constitutional limits on the exercise of his prerogatives; stand, if need be, in judgment over his actions; and, in the last resort, move even to depose him. It was by acting on such principles, by deposing the rival papal claimants and

electing a new pope whose legitimacy came to be universally accepted, that the Council of Constance succeeded finally in putting an end to the schism. That very fact, a dramatic precedent that came to loom large in the minds of later political thinkers, along with the fact that conciliar theory conceptualized the church as a political society (*politia ecclesiastica*) akin in crucial respects to its secular counterparts, ensured that in sixteenth-century France and Scotland, seventeenth-century England, and even eighteenth-century France, conciliar theory would come to play a significant, indeed historic, role in the development of secular constitutionalist thinking and of theories of legitimate resistance to despotic kings.

The second, and this time successful, challenge to the unity of the church emerged in the early sixteenth century as an unintended consequence of Martin Luther's anguished cry of protest against the ecclesiastical abuses of his day. And it was subsequently to be reinforced by the other "magisterial" Protestant Reformers, Huldreich Zwingli and John Calvin. The political views of these great Reformers were far from being identical in nature, but together they did serve to divert the mainstream of political thinking from its established late medieval course into a complex of essentially scripturally inspired channels leading, at one extreme, to the apocalyptic justification of revolutionary violence advanced by some of the Radical Reformers. At the other extreme, however, it led to a marked enhancement of the status of the temporal authority and to an enormous emphasis on its claims to loyalty and obedience. The latter was by far the more characteristic stance, and it made it hard for Lutherans and Calvinists alike, even when confronted in the mid-sixteenth century with increasingly menacing political conditions, to modify the absolute nature of their original teaching on the sinfulness of any forcible resistance to the powers that be. It was that original teaching, rather than anything else, that was the fundamental doctrinal contribution made by the *Magisterial* Reformers to the development of European political thinking. That original teaching did have enduring consequences, especially so in Germany. But, rather than any success, or any more faithful deduction from original doctrinal premises, it was their failure to carry the day for their Gospel message that later led the followers of the great Reformers to modify that original teaching and to make their own, far greater, contribution to the development of early modern political thinking. That failure, along with the parallel failure of their increasingly militant Catholic adversaries to carry the day for their own traditionalist teaching, precipitated the creation in France, England, Scotland, the Netherlands, and elsewhere of beleaguered religious minorities, Catholic no less than Protestant. And, confronted by the hostile apparatus of the persecuting

confessional state, those minorities were forced to confront a truly fundamental question. They were forced, in effect, to think the unthinkable and to decide if they might not, after all, disobey a legitimate ruler who sought to deny them the practice of their faith. And when finally, if only after great travail of conscience, some of them began to embrace theories of lawful resistance to tyranny, they opened the way, ironically enough, not to any great theoretical novelties but to a revival of the type of constitutionalist thinking to which the conciliar theorists of the previous century had given so very powerful an expression.

By virtue of acknowledging the impact on political thinking of the two convergent moving forces just identified, we will necessarily be led to explore some stubborn intellectual continuities that bridged the divide traditionally posited between the medieval and modern periods and, in so doing, to invoke by way of explanation the somewhat battered notion of intellectual "influence." Before embarking, then, on any substantive discussion of such developments, we should seize the moment now to acknowledge the pertinence of two closely related issues that are metahistorical or methodological in nature. That there were marked intellectual *dis*continuities is not in doubt. In the wake, however, of the late twentieth-century linguistic turn in humanistic studies, the poststructuralist fetishization of historical rupture or break, and the minor vogue among historians of distinctly Foucauldian sympathies,[10] the evocation of such discontinuities turns out, intellectually speaking, to be nothing other than an exercise in pushing at an open door. It is, instead, the postulation of continuities and the deployment of the "influence model" in the effort to chart those continuities that turn out to involve an effort akin to swimming against a stubbornly flowing historiographic tide.[11]

That effort, however, is one that has to be made. The methodological and metahistorical issues involved are not unimportant ones. But having written about them elsewhere, I must content myself here, while referring to that earlier discussion,[12] with insisting that it is long since time for historians to liberate the word "influence" from the veritable embarrassment of quotation marks that has come to surround it. However sloppily the influence concept may conceivably have been invoked in the past, it always has (and always has had) an important and probably indispensable role to play in the history of ideas. It should be permitted to play that role. In the pages which follow, then, as we move on to engage the proliferating variety of late medieval and early modern political thinking, that is precisely the course of action that I propose to take.[13]

1. Historical Orientation

From War, Plague, and Schism to Renaissance, Reformation, and Revolt

OF THE THREE AND A HALF centuries from 1300 to 1650 it may confidently be said that few stretches of history more justifiably warrant the Dickensian characterization of having been "the best of times and the worst of times, . . . the season of light, the season of darkness, the spring of hope, the winter of despair." So far as the season of darkness, worst of times, and winter of despair dimensions go, we should note that when the period began the steady population growth, which had gathered momentum in the eleventh century and continued well into the thirteenth, had already begun to peter out under conditions suggestive of the possibility that Europe was already starting to press "against the technological upper limit of its food supplies."[1] Even before the advent of the Black Death (1348–50) the serious and widespread famines of old had once more begun to make their unwelcome presence felt, and the European economy had begun to slide into financial crisis and into a depression that was destined to endure into the latter part of the fifteenth century and even, in some sectors at least, on into the sixteenth. The fourteenth century had begun for northern Europe with a climatic pulse that was to eventuate over the long haul in a protracted cooling phase which did not reverse itself until the latter years of the seventeenth century. In the short term, moreover, it produced a protracted stretch of exceptionally severe winters (1310–30) punctuated by devastatingly elevated rainfall. The immediate outcome of this, during the dreadful years from 1315 to 1322, was "a calamity unheard of among living men," a "great hunger" akin to the Irish *An Gorta Mór* (i.e., "The Great Hunger") of 1845–52 but stretching this time from Scandinavia in the north to central France in the south, and from the western reaches of Poland all the way to the Atlantic coast of Ireland.[2] A catastrophe so severe that the lingering effects of youthful malnutrition among the survivors probably left them more than usually susceptible to the ravages of the Black Death. That arrived only a few decades later and, with its recurrent aftershocks, had a devastating demographic impact.

It was the first great outbreak of plague in Europe since the eighth century CE, one so massive in its dimensions that in three short years it was to sweep away what is usually estimated as a full third of the European population. It dislocated the lives of those fortunate enough to have survived, created a great shortage of labor, spawned a good deal of social unrest and religious fanaticism, and served understandably to sponsor the profound pessimism that is one of the distinguishing features of the later Middle Ages.

Only in the course of the sixteenth century, it seems, was the demographic and economic tide finally to turn, ushering in a new era of vigorous population growth and renewed economic vitality. Much of this activity was centered now to the north of the Alps where population growth was at its most vigorous and economic recovery most readily evident and where, to the great benefit of port cities on the Atlantic littoral, improved navigational and shipbuilding techniques were transforming the bleak waters of the North Atlantic from an intimidating obstacle course into a beckoning shipping lane. In effect, if one may be permitted a perhaps too aggressive simplification, the center of economic and (eventually) political gravity was beginning to shift in a northerly direction and the great hub of commercial activity to remove itself from the Mediterranean to the Atlantic.

Multiple factors, of course, played a role in this great turnaround, but a particular emphasis should certainly be placed on the late fifteenth and early sixteenth century voyages of exploration which met with great success and led to the discovery of the Americas and the opening up of direct access to the Far East.

Not all the outcomes of this historic achievement were positive, certainly not for the indigenous inhabitants of the Americas, and not even for Europeans. So far as the indigenous peoples were concerned, to the miseries attendant upon the brutalities of military conquest, the destruction of traditional cultural forms, and the imposition of economic servitude were added the inroads of terrifying diseases hitherto unknown to them. Along with yellow fever and malaria, both of which appear to have made their way from Africa on European ships, the ancient diseases to which Europeans had developed at least some resistance—measles, typhoid, smallpox—proved utterly catastrophic to peoples who had never encountered them before. As for the Europeans themselves, the enormous influx of precious metals into Spain and, thence, into the rest of Europe meant, among other things, that they had to cope for a century and a half with the protracted spasm of runaway inflation that we know as the Price Revolution. Merchants and owners of urban properties enjoying increasing rental income may have gained, but those on fixed incomes

lost. Not least among the latter were the kings of Europe, who, in the desperate effort to cope with increasing governmental expenses, were forced (among other unhappy expedients) to sell public offices, debase the coinage, encroach upon urban rights, and come into constitutional conflict with the representative bodies from whom they were forced to demand assent to increasingly high taxation. On the other hand, the introduction of new food crops hitherto confined to the Americas eventually served to improve food supplies in Europe and to help make possible the more than doubling in population that occurred in the sixteenth and seventeenth centuries. Similarly, the opening up of the Americas to settlement and economic exploitation and of the Far East to direct commercial penetration and the establishment of lucrative national monopolies served to quicken the growth in Europe of a form of "commercial capitalism" and the transition to mercantilist economic systems national in their scope.

To the turbulence and trauma generated by the roller-coaster demographic and economic conditions that characterized those centuries were added the Europe-wide religious confusion, political dislocation, and psychological malaise that accompanied the Great Schism of the West (1378–1417) as also, later on in the sixteenth century, the religio-political upheavals sponsored in Germany, central and northern Europe, France, and Britain by the Protestant Reformation. Even more destabilizing, however, was the recrudescence during these centuries of widespread and protracted warfare. The outbreak in 1296 of war between France and England marked the end of a comparatively peaceful period and the beginning of the prolonged struggle between those two major European powers which, punctuated by intermittent truces and moments of peace, was destined to drag on into the fifteenth century and to come to be known as the Hundred Years' War. No sooner was it over than dynastic conflict broke out between the Yorkist and Lancastrian claimants to the English throne, "Wars of the Roses" that lasted for thirty years. On the Continent, moreover, intermittent warfare continued on for the greater part of the sixteenth century. In the east, the Ottoman Turks, who had destroyed the East Roman or Byzantine empire in 1453, renewed their drive into central Europe and, at the battle of Mohacs in 1526, inflicted a decisive defeat on the Hungarians. Farther to the west, in the wake of the Reformation and for about a hundred years after the mid-sixteenth century, France, the Holy Roman Empire, Spain, England, Ireland, Sweden, and Denmark were all of them drawn into a tangled complex of conflicts in which, while many issues—dynastic, constitutional, social, economic—were at stake, religious factors played the dominant and embittering ideological role. In France the Religious Wars lasting from 1562 to

1598, and in Germany the Thirty Years' War (1618–48), both of them enormously destructive, occupied center stage. But they were also surrounded by a penumbral pattern of repeated peasant uprisings, for some of which a great price was exacted. The 1640s and 1650s, moreover, were marked by Europe-wide riot, disorder, and outright rebellion. Reaching well beyond England, Ireland, and France to embrace Scotland, Spain, Portugal, Naples, Poland, the Ukraine, and Russia, that great efflorescence of disorder has moved historians to attach to these years of upheaval the comprehensive label of the "general crisis of the seventeenth century."

For the three and a half centuries, then, stretching from 1300 to 1650, the designation of worst of times, season of darkness, winter of discontent seems all too well deserved. And yet, on the season of light, spring of hope, best of times side of the equation we have to weigh the extraordinary creativity—political, philosophical, literary, religious, artistic—that characterized these deeply troubled but remarkably energetic centuries.

So far as politics went, European historians have long been preoccupied with the consolidation of the nation-states of Western Europe in the late fifteenth and sixteenth centuries and with the concomitant rise in the "new monarchies" of more effectively bureaucratized and successful rationalized forms of royal government. In philosophy and science, one need only evoke the stunning succession of towering figures that stretched from Duns Scotus (d. 1308), William of Ockham (d. 1347), and Nicholas of Cusa (d. 1464) down to Copernicus (d. 1543), Galileo (d. 1642), and Descartes (d. 1650), as well as the remarkable sequence of second-order figures of great note stretching from Nicolas of Autrecourt, John Buridan, Pierre d'Ailly, and Jean Gerson in the fourteenth and fifteenth centuries to Francis Bacon, Marin Mersenne, and Pierre Gassendi in the seventeenth. Or, in the vernacular literatures, the equally towering succession of illuminati whose works have peopled and shaped the European imaginary—from Dante, Boccaccio, and Chaucer in the fourteenth century to Shakespeare, Donne, Cervantes, Corneille, and Molière in the sixteenth and seventeenth. In matters religious, too, the late medieval centuries witnessed the great flowering of mysticism in the Rhineland, the Netherlands, and England that has left us in possession of such classics of spirituality as *The Cloud of Unknowing* and *The Imitation of Christ,* while the sixteenth century saw the dissemination of the two profoundly distinctive spiritualities hammered out in anguish on the anvil of the soul by Martin Luther and Ignatius of Loyola. Again, in the arts—painting, sculpture, architecture, music—not even the most casual of cultural tourists or the most insensitive of museum visitors can fail to be aware of the

truly historic achievements of the fourteenth- and fifteenth-century era of Renaissance in Italy and of the sixteenth century north of the Alps. But it may not be altogether redundant to emphasize the vitality also of the maturing musical tradition that was able to produce such great composers as Guillaume Dufay in the fifteenth century; Josquin des Prez, Palestrina, and William Byrd in the sixteenth; and Orlando Gibbons in the seventeenth.

Among these disparate developments one can detect much cross-fertilization and many a moment of unexpected juxtaposition. If Dante was a sublime poet, he was also a political thinker of note. If William of Ockham was a logician, philosopher, and theologian of marked originality, he also wrote voluminously, influentially, and with a challenging degree of intricacy, on matters political, too. If conciliarism had its flowering in the late fourteenth and early fifteenth centuries, it continued later on to generate sympathy in some unexpected quarters—from Savonarola, the great Florentine reformer, or from Michelangelo himself, to Thomas More, humanist and statesman, whose papalist loyalties ironically cost him his life, to George Buchanan, the Scottish humanist who, having embraced Calvinism, became tutor to the future James I of England. And so on.

Best, then, as well as worst, light no less than darkness, hope modulated, it may be, by despair, as we turn now to the highly variegated body of political thinking produced in these three and a half centuries and out of which was eventually to emerge the great tradition of contract theorizing stretching from Hobbes to Kant, we may reasonably expect to see reflected in it the hopes and fears, successes and failures, contrarieties, oppositions, and juxtapositions characteristic of the period taken as a whole. In that expectation we will not be disappointed.

2. The Politics of Nostalgia

Empire, Papacy, and Their Twilight Struggle

IN AN ALTERNATIVE ideological universe, one less untidy in nature than the one we actually inhabit, the papacy's triumph over the emperor Frederick II in the mid-thirteenth century, the subsequent fall of the Hohenstaufen dynasty, and the great imperial interregnum which ensued and lasted from 1250 to 1268[1] would doubtless have marked the definitive end to the Western dream of a revived empire with universalist aspirations. It would also have signaled the concomitant cessation of the intermittent struggle between empire and papacy that had punctuated European history from the late eleventh century onwards. In unforgiving historical reality, however, nothing of the sort quite happened. Given the extremity of its formulation at the start of the fourteenth century by such as Aegidius Romanus and James of Viterbo,[2] one might also have thought that there was hardly anything left to add to the imposing theoretical structure of papal aspiration. And yet, for a few decades to come, high papalists like Augustinus Triumphus and Alvarus Pelagius still labored to fill in the gaps in papalist claims and to sharpen the terms in which they were formulated. Similarly, the catastrophic fall of the Hohenstaufen notwithstanding, such German rulers as Henry VII (d. 1313) and Lewis of Bavaria (1314–47) were still moved to challenge some of those aspirations, to lead armies into northern Italy, and to advance their own rival claims in terms both practical and theoretical to possess an imperial authority at once both Roman and universal in nature. Hence, the outbreak yet once more of outright conflict between pope and emperor and the consequent generation of the last great body of controversialist writing on the subject of the proper relationship between *regnum* and *sacerdotium,* kingship and priesthood.

In light of the previous history of medieval political thinking such developments might seem to point to the continuation on into the future of business as usual. But in retrospect, at least, they can be seen to have looked rather to the past than to the future, to have represented a culmination rather than a continuation. In effect, while stopping short of ascribing nostalgic yearnings to those living at the

time, perhaps one may be permitted, if only in hindsight, to classify the developments in question under the heading of a "politics of nostalgia." This is not to suggest that speculation about world monarchy or universal empire was somehow to be absent from the political thinking of subsequent centuries. To be disabused of any such notion one has only to recall to mind, for example, Tommaso Campanella's commitment in the late sixteenth and early seventeenth centuries, and in connection first with the Habsburg monarchy of Spain and later with the newly ascendant Bourbon monarchy of France, to the beckoning vision of a universal, global empire, nothing less than a *monarchia del mundo*.[3] Or again, later in the seventeenth century, the promulgation by the English Fifth Monarchy men (inspired by the book of Daniel and its theme of four world monarchies) of the vision of a fifth or final world monarchy destined to make its appearance when time itself was drawing to a close.[4] What the "politics of nostalgia" designation is meant to signal, instead, is the fact that such later notions of universal empire had come in the end to be detached from the earlier medieval conception of an empire that was at once Christian, German, and Roman. And they had come to enjoy a conceptual currency independent of that more traditional and earthbound imperial entity which, by the early sixteenth century, had come to be called the *Imperium Romanum Sacrum Nationis Germanicae* (the Holy Roman Empire of the Germanic Nation).

The Apogee of Papalist Hierocratic Theory: Alvarus Pelagius and Augustinus Triumphus

In the second volume of this series,[5] I drew attention to the bifurcated, even bipolar, nature of the teachings to be extracted from the canonistic as well as the civilian tradition of juristic commentary on matters pertaining to the existence (or absence) of limits on the exercise of governmental authority, papal no less than imperial. So far as papal authority went, the canonists of the thirteenth century had developed, strengthened, and refined the notion of papal sovereignty and had explored the sweeping implications of the papal "fullness of power" (*plenitudo potestatis*). At the same time, however, they had been obliged to wrestle with the countervailing ecclesiological tradition which sought to vindicate the limits that "the norms of faith and order" and concern for the "general state of the church" (*status ecclesiae*) imposed upon the freewheeling exercise of papal power. And they had been obliged also to come somehow to terms with the limits posted by the divinely instituted order of episcopal rights and privileges which not even a pope had the authority to abrogate.

Both tendencies had been on full display in the great outburst of controversialist writing occasioned at the turn of the century by the clash between Pope Boniface VIII (1294–1303) and Philip IV of France (1267/8–1314). At that time, in his *Tractatus de regia potestate et papali* (1302), the Dominican theologian John of Paris had given notable expression to the latter, "constitutionalist" strain.[6] That same strain, somewhat alarmingly for Pope Clement V (1305–14), had also surfaced at the general council which he had assembled at Vienne (1311–12). It was also to find notable expression in Marsiglio of Padua's *Defensor pacis* (1324), perhaps the greatest of all medieval political writings, was to be broadcast far and wide by the controversialist literature that the protracted struggle between Pope John XXII (1316–34) and the emperor-elect Lewis of Bavaria spawned, and later on in the century was to move decisively into center stage after the disputed papal election of 1378 and the onset of the disastrously protracted "Great Schism of the West."[7]

Such developments, however, looked rather to the future than to the past. Our focus being now on what I am calling the politics of nostalgia, on those elements in the political thinking of the era that can be seen to have resonated to older frequencies, it is the strain of thought which explored and sought to vindicate the ramifications of high papalist theory that must concern us first. And here, from the first quarter of the fourteenth century, two thinkers in particular warrant a moment of attention, if only because of the popularity and wide circulation their works enjoyed in their own day,[8] as well as the degree to which they tended to nudge into the shadows even the high papalist tracts such as those of James of Viterbo and Aegidius Romanus, written at the very start of the century and analyzed in the second volume of this series.[9] The thinkers in question are the Augustinian friar (of the order of Augustinian Hermits) Augustinus Triumphus of Ancona (c. 1270–1328), a theologian, and the Franciscan canonist Alvarus Pelagius (c. 1275–1349). The most pertinent works of the former are his *Tractatus brevis de duplici potestate praelatorum et laicorum* (*Brief Treatise of the Twofold Power of Prelates and Laypeople,* c. 1308) and his *Summa de potestate ecclesiastica* (*Summary Account of Ecclesiastical Power,* c. 1320–28). And, of the latter, his *De planctu ecclesiae* (*Concerning the Lamentation of the Church,* 1330–32, but revised later).[10]

Of these two authors, Charles Howard McIlwain once remarked, after analyzing the *Summa* and the *De planctu ecclesiae,* that

> there is scarcely a claim made for the Pope by Augustinus Triumphus or Alvarus which Egidius Romanus, James of Viterbo, or some preceding Canonist had not made already; yet these books are of the highest importance because these older ideas are presented here in more systematic

and elaborate form than ever before and supported by a vast array of precedents and authorities.[11]

That being so, and having analyzed at some length the thinking of James of Viterbo and Aegidius Romanus, we may not only pass over in merciful silence that "vast array of precedents and authorities" but also limit ourselves here to a focus on three central issues. And in order to highlight those issues, I propose to measure them against the positions which John of Paris adopted during the course of the conflict between Boniface VIII and Philip IV.

The first of these central issues is the way in which Augustinus Triumphus and Alvarus Pelagius understood the nature of Christian society at large. The second is that of the right relationship of spiritual to temporal power. The third issue is that of the right relationship of rulers to their subjects and, therefore, of papal head to the church or congregation of the faithful at large.

In connection with the first of these issues, we saw that John of Paris had broken decisively with the traditional understanding of Christian society at large as "Christendom," a single, universal ecclesiastico-political entity that enfolded the temporal kingdoms, principalities, and powers of this world within the embrace of the church, broadly conceived. Secular political society was for him, and to the contrary, not only distinct but also separate from that all-embracing universal entity, and it possessed "the autonomy of a society perfect and self-sufficient in its own right."[12] In contrast, Alvarus Pelagius and Augustinus Triumphus firmly aligned themselves with the older notion of an all-embracing Christian society ultimately identified with the church itself. Thus the *Ecclesia* is "the Christian polity" or "society of all Christians," the *principatus mundi* incorporating not simply subordinate churches but also the kingdoms of this world. All of them are parts of that all-embracing whole,[13] over which presides the pope, who is possessed of an ultimate jurisdiction over the entire world.[14]

Michael Wilks claimed that "it was this idea of *Ecclesia,* the assumption that all Christians and potentially all men formed a single corporate political entity on which the entire hierocratic theory rested."[15] From it, certainly, flowed what Augustinus Triumphus and Alvarus had to say about the second of the central issues listed above. Within the *Ecclesia,* conceived as the all-embracing Christian society, kings are reduced in fact to the status of parts contained in the whole.[16] And that goes for emperors, too. From the pope, "a quasi-God on earth" and deserving of the designation king and priest after the order of Melchisedek,[17] the emperor acquires his jurisdiction. If the pope is indeed the minister of God, the emperor is to be viewed as the minister of the pope; he is, in effect, "the vicar of the pope in

matters temporal."[18] As was the case with Aegidius Romanus and James of Viterbo, what is envisaged here is not simply some indirect, casual, or incidental power of papal intrusion into secular political affairs perhaps for reason of sin (*ratione peccati*), but rather an altogether direct papal power in matters temporal and over temporal rulers. In common, however, with the traditional notion of a universal, all-embracing Christian commonwealth with which it was so closely affiliated, that was a position that looked to the past rather than the future and one that was not destined to enjoy an untroubled future even in high papalist circles.[19]

When, at the end of the century, conciliarist thinkers such as Pierre d'Ailly (1350–1420) and Jean Gerson (1363–1429) addressed the matter of the relationship between *regnum* and *sacerdotium,* it is not surprising then that they, like John of Paris before them, should have relinquished the older notion of an all-inclusive Christian commonwealth and thought instead in terms of distinct and self-sufficient corporate political entities religious and secular, the *politia ecclesiastica* and *politia saecularis.* Nor, accordingly, is it surprising that (again in common with John of Paris) the only power they were prepared to concede to the pope in matters temporal was an indirect or incidental power of intrusion.[20] More significant, however, and more striking, is the fact that such an indirect or incidental power was destined to become for the future, even for many a papalist, the *maximal* claim advanced on behalf of the pope in temporal affairs.

The third of the central issues which these early fourteenth-century high papalists addressed was the right relationship of papal head to members, that is, to the church at large. When Augustinus Triumphus and Alvarus explored that particular issue, the concept of the church they tended to have in mind was less that of an all-embracing universal Christian society than that captured by the narrower notion of an international church conceived as a corporate—hierarchically ordered and clerically dominated—body presided over by a monarchical papal head, in effect, the *regnum ecclesiasticum.* Partly as a result, the position these high papalists adopted on this matter was able to enjoy into the future a much longer shelf life than their passionate attribution to the pope of a direct power in matters temporal.

Of recent years, as we saw in the second volume of this series,[21] scholars have come to place considerable emphasis on the significance for the later development of political thinking in general and monarchical thinking in particular of the seemingly recondite dispute that broke out at the University of Paris in the mid-thirteenth century between the mendicant and secular masters—that is, between those theologians who belonged to the great international orders of friars

(mainly Dominican and Franciscan) and those drawn from the ranks of the ordinary secular or diocesan clergy.[22] This dispute went through more than one phase. It began in the first place with wrangling about the papal privileges enjoyed by the mendicants, privileges which undercut the authority of the local bishops and secular clergy. But it swiftly modulated into an intractable set of more fundamental disagreements pertaining to the very constitution of the church universal. The mendicants at that point began to claim that the grant of papal privileges to friars was no more than a particular manifestation of the general fact that the pope was himself the source of *all* jurisdictional power in the church, including the power wielded by lesser prelates like bishops. That claim, Kenneth Pennington has said, had the effect of undercutting the older, hallowed view that "the church's constitution consisted of a collection of rights and duties, some established by Christ, others created by custom" and that each bishop wielded by divine right and concession a measure of autonomous authority grounded in the church's fundamental law. And the growing salience of that top-down, "derivational" theory of ecclesiastical jurisdiction cleared "the way for a theory of absolute monarchy," which "eventually became the foundation of absolute monarchy in the modern church."[23]

If (and as again, we have seen),[24] the quickening of that process was evident already in the *De ecclesiastica potestate* of Aegidius Romanus, it was marked a few years later by a degree of unambiguous clarity and force in the works of Augustinus Triumphus, whose *Summa* Schulte characterized long ago as the "classic representation of papal authority,"[25] and only a little less clearly in the *De planctu ecclesiae* of Alvarus. The heart of the matter, both men insist, invoking the canonistic distinction concerning ecclesiastical power which by their day had become standard, is not the "power of order" (*potestas ordinis*) conferred on all priests and bishops by the sacrament of holy orders but the "power of jurisdiction" (*potestas jurisdictionis*) or power of coercive government (*potestas regiminis*) in the external or public forum, the exercise of which does not necessarily call for the possession also of the *potestas ordinis*.[26] Whereas Christ confers the latter (sacramental) power directly on all ordained priests and in its fullness on all consecrated bishops, the former (governmental) power he confers directly on the pope alone. As Christ conferred that *potestas jurisdictionis* upon the other apostles only via the mediation of Peter, so, too, is it conferred upon bishops and other prelates only via the mediation of the pope, "who represents the person of Peter" (*repraesentat personam Petri*):

> Whence in Matthew 16, when Christ therefore granted the power of jurisdiction, he did not speak in the plural but in the singular, saying to

> Peter alone, I shall give you the keys of the kingdom of heaven, as if he would say plainly: although I have given the power of order [equally] to all the apostles, I give thus to you alone your power of jurisdiction, to be dispensed and distributed through you to all the others.[27]

No more than equal to the other bishops though the pope may well be so far as the power of order is concerned, he is, nonetheless, the very "fount and origin" of all the jurisdictional or governmental power wielded by the other members of the clerical hierarchy and derived alone from him.[28] As such, he is aligned with Christ's regal and divine nature, whereas the priesthood at large, by virtue of its possession of the *potestas ordinis,* is aligned, rather, with Christ's priestly and human nature.[29] And as king and God Christ is greater in dignity and superiority than he is as priest and man.[30] It is hardly surprising, then, the "unwritten constitution" of the church notwithstanding, that Augustinus Triumphus is moved so far as possible to minimize the existence of constraints in the papal exercise of power. Thus, though he does not dismiss out of hand the possibility of papal malfeasance, he dismisses as simply "ridiculous and frivolous" not only the idea of appealing from pope to general council but even that of appealing from pope to God, for "the sentence of the pope and the sentence of God are one sentence," and one can hardly appeal to the pope against his own sentence.[31]

These extreme high papalist claims were being advanced very much at the end of the line and at a time when, challenged already by secular rulers, they were also beginning to run into increasingly negative clerical headwinds, and not least of all those generated by "the divines of Paris." But even in later centuries such claims were still to find strong support among the theologians of the Roman (as opposed to the Parisian) school. Thus, though it was never to receive formal conciliar endorsement, Augustinus Triumphus's view that all the jurisdictional power wielded by lesser prelates derived by delegation from the pope was espoused influentially by Torquemada in the fifteenth century, by Thomas de Vio, Cardinal Cajetan, in the sixteenth, and by Robert, Cardinal Bellarmine, in the seventeenth. It was to remain the dominant view in the Roman theological school right down into the mid-twentieth century, at which point it was precluded in theory (though not dislodged from the established routines of curial practice) by the Second Vatican Council's promulgation in 1964 of its celebrated teaching on episcopal collegiality.[32]

The Twilight Dream of Universal Empire: Englebert of Admont and Dante Alighieri

The destruction of the Hohenstaufen dynasty and, with it, its imperial ambitions might well have been expected to put an end to the medieval empire as an institution and to cut off the flow of ideological nutriment upon which notions of imperial universalism had fed. But if it did a good deal to meet the former expectation, it signally failed to fulfill the latter. Paradoxically, indeed, it appears to have had the effect, clearly evident by the early fourteenth century, of stimulating a great resurgence of speculation about the very concept of empire—its nature, purpose, necessity, and destiny. And if, as we have seen, canonistic argumentation concerning the existence of limitations on papal authority or the absence thereof had proved to be somewhat bifurcated in nature, so, too, by the beginning of the fourteenth century, was the way in which the empire had come characteristically to be envisaged.[33] It was conceived, on the one hand, in territorial terms, fundamentally Germanic in orientation but reaching out beyond the German kingdom to embrace Burgundy to the west and the north Italian city-states of the so-called *regnum Italicum* to the south. On the other, it was conceived on a much more theoretical level, very much as a Roman institution in continuity with its ancient Roman predecessor, or a universal empire pivoting on Italy and the city of Rome itself. By the second half of the century, though the dream of universal empire was still on the speculative level enjoying a continuing half-life, it was the territorial or Germanic notion that had finally triumphed in reality in the form of "the Holy Roman Empire of the Germanic nation." In 1356, having affirmed and acted upon the principle of noninterference in Italian affairs, and building upon earlier moves on the part of his predecessor and the imperial electors, the emperor Charles IV moved in the Golden Bull of Eger to turn into established law what had been emerging over the previous half century as the de facto constitutional norm. The balance of power was shifted in effect to the imperial electors, whose number was now fixed at seven and whose electoral decision, whether unanimous or by majority, was now declared to constitute the final word on the legitimacy of an emperor's title. In effect, papal approbation or confirmation was rendered redundant, and the grounds for any future papal interference in imperial affairs eliminated.[34]

During the first quarter of the fourteenth century, however, that was still far from being the case. At that time, Dante himself found reason to complain that the theory of empire had suffered from neglect. He did not lack justification for so doing. The great conflict between Frederick II and Popes Gregory IX and Innocent IV had not served to stimulate the outburst of pro-imperial writing that one might have expected. That had to await Dante's own day and his own efforts at a time when two successive emperors (or claimants, at least, to the

imperial throne) came into conflict with the popes of the day. It was in the context of that renewed struggle that speculation welled up once more about the old notion of a universal empire pivoting on Rome. Of those who contributed to this renewed round of discussion, two authors in particular must command our attention here. They are Englebert of Admont (c. 1250–1331) and Dante Alighieri himself (1265–1321). The juxtaposition is somewhat arresting in that the former is scarcely a household name even to medieval specialists, whereas the latter is the most widely celebrated of all medieval authors.

Between the years 1302 and 1310, prior to Henry VII's descent upon Italy and at a time when he was still but emperor-elect, Englebert, Benedictine abbot of Admont in Styria, wrote what is probably his best-known work, the *De ortu et fine Romani imperii* (*Concerning the Origin and End of the Roman Empire*).[35] Perhaps the most interesting and revealing feature of the treatise is the degree to which it testifies to the contemporary currency of doubts about the original justice of the empire's establishment, about its present necessity or utility, and about the threat posed to its justification by the Aristotelian focus on the polis as the truly perfect and self-sufficient community. It begins, after all, with the forthright admission that "prudent and mature men" were not only calling into question the justice of the emperor's original claim to authority over "the kingdoms of this world and the peoples of diverse nations" but were also predicting its impending failure and destruction at the hands of those very "diverse kingdoms and principates and peoples."[36] It goes on, moreover, to spell out in considerable detail arguments based both on principle and on the political realities of the day to the threefold effect that, first, the Roman empire existed in vain since it "never has achieved and perhaps never will achieve its end, which is to govern all kingdoms, behaving peacefully and harmoniously toward one another"; second, that "human affairs would be happier if individual kingdoms stood apart [from one another]"; third, and accordingly, that the empire "could licitly and justly be abolished entirely."[37] And the treatise ends, not inappropriately, very much in apocalyptic mode, with several chapters interpreting the de facto withdrawal of kingdoms from shelter under the canopy of imperial rule as portending the incipient dissolution of empire, the coming reign of Antichrist, and, with it, the trump of doom and the end of time.[38]

Gloom, hesitation, and doubt, then, but if Englebert does not seek to repress such sentiments, they are far from constituting the full, or even the main, story he sets out to unfold. Gritty negativity he is careful to match with targeted refutation, unfolded sometimes with a rather tedious degree of specificity. Such is the case, for example,

when he undertakes to reply to the objection that "the Roman kingdom or Empire exists in vain because it never achieved its end"—namely, the preservation of peace and concord among the nations of the earth. For he responds by conceding that while "the happiness of the present kingdom [empire] . . . neither is nor can be absolutely perfect, but only partially," it "suffices that a king only pacify those things which belong to his kingdom as far as he can" and "as long as he can" under the conditions currently prevailing; nor does he therein fail in his end." "The best shoemaker," after all, and as Aristotle pointed out in the *Ethics,* "is not he who always makes the best shoes . . . but the one who makes the best ones that can be made from the leather now given to him."[39] And so on. The heart of the matter, moreover, lies elsewhere for him and in less painstakingly qualified territory. For "the bedrock of his thought," Ewart Lewis has said, "was the fervent conviction that the empire was essential to the safety of Christendom."[40] And he sets out in this treatise to vindicate that conviction not simply in historical and legal terms or by invocation of the sort of practicalities alluded to above, but also, and rather (as himself a product of the scholastic educational regimen), with arguments drawn from the more abstract, principled realm inhabited by theologians like Augustine and philosophers like Aristotle. Two such overarching arguments in particular, both of them set forth at considerable length, serve to sustain the whole structure of the case he sets out to make.

The first reflects his absorption of Aristotelian teleology and seeks to justify the empire in terms of the need or purpose it serves. In his *De regimine principum* Aegidius Romanus had accepted Aristotle's argument that man is by nature "a civil and political animal" ordained to live in a polis (the word he had used was *civitas,* or city), which alone makes possible not simply life or the provision of what is needed for a sufficiency of life but, beyond that, the state of living well. He had then, however, gone further and qualified the completeness or perfection of the life to be found in the *civitas* by portraying it as pointing beyond itself or as being ordained or subordinated to a larger and more perfect community. And that more perfect community he identified as the kingdom, for the kingdom was itself composed of many cities.[41]

Pursuing a similar line of argument, however, Englebert is moved to take the process even further. The happiness of any community whatsoever resides in its ability to attain to the sort of good life that Aristotle understood the polis as alone making possible. The attainment of that good life presupposed, he said, the possession of "sufficiency, of good things without want, and tranquillity, without disturbance, and security without fear." Of these characteristics,

tranquility further presupposed justice—both justice in the way in which governmental power had been acquired and justice in the manner in which that power was wielded.[42]

The preconditions for the community's enjoyment of happiness being thus affirmed, the obvious question that arose was the nature of the community under consideration. If Aristotle had identified it as the polis and Aegidius as the kingdom, Englebert, instead, had the empire itself in mind. Having first embarked upon a complex calculation concerning the presence or absence of sufficiency, tranquility, security, and justice (all of them or one or another) in an array of communities ranging from the household to the kingdom and, so far as the latter were concerned, in kingdoms of varying kinds and differing sizes;[43] he arrived at the point where he felt he could safely conclude that the empire itself was the community possessed of the strongest claim to be able to guarantee felicity and the securing of the good life. Hence, he concluded, "It is more just and better that all kingdoms be subject to one king or emperor as monarch of the whole world."[44]

That conclusion he buttressed with a second overarching argument, one closely affiliated with the first. It is an argument that pivots on the ordination of all things in the world to unity, the ordination of parts to the whole and of the many to the one. In the world of nature the lion lords it over the other beasts, and "the eagle is king of all other winged creatures." But "art and reason [which are the directive principles of human acts] . . . imitate nature" and from them stem "the invention and establishment of kingdoms and kings" in human society. "As there is order in all the parts, so in the whole," and if in an individual kingdom it is best that all should be subordinate to one king, "so, too, will that arrangement be best for the whole multitude of kings and kingdoms."[45] Or again,

> Since . . . in a well-ordered multitude the form and end of its establishment is not in many men or toward many things, but in one man and toward one thing, and [since] there are many kingdoms in the world, hence, as many households are ordered toward one city and its good, and many cities and the populace of the cities are ordered toward the people, and the kingdom and its good, as the individual and private good is ordered toward the common and public good, and the lesser good to the greater, and as a part naturally is to the whole, so, too, the world's many kingdoms and their good are ordered toward one natural kingdom and empire, as the individual good to the common good of all peoples and kingdoms, and the private good to the public, and the greater good to the greatest, and as parts naturally are to their whole (. . . *et naturaliter tanquam partes ad suum totum*).[46]

His conclusion then? That if "the harmony of peoples and kingdoms throughout the world" is to be maintained, "by the ordinance of

divine providence there will of necessity be some one power and dignity which is supreme and universal in the world." So that "it is best and most just, and ever will be, . . . for all kingdoms and all kings to be subject to one Empire and Christian Emperor."[47]

In all of this, Englebert speaks in general—sometimes quite abstract—fashion, with reference certainly to ancient history but without much reference to the specific political realities and particular happenings of his own day. The same, by and large, may be said of the Dante whom we encounter in the *Monarchia.*[48] That fact is itself a striking one, given the extent of his previous involvement in Florentine politics, his service as an elected official and as ambassador of the commune to the papal court, his ouster from political life on a trumped-up charge of corruption brought by a faction allied with the papacy, and his subsequent lifelong exile from his native city. During those latter years his restless travels throughout Italy had the effect of leaving him with a firsthand knowledge of the disastrous and mutually reinforcing legacies of papal interference in Italian politics and of the factional infighting among the cities and small city-states that dominated the political landscape of northern Italy.[49] The rich political tapestry he weaves in the *Commedia*[50] should disabuse us of any notion that Dante's choice in the *Monarchia* of arguing from abstract first principles sprang from any lack of hard-won, firsthand knowledge concerning the gritty practical realities of his day. Instead, it reflected his firm conviction that "only a grasp of universal truths about human beings and human life will furnish an answer to the fundamental question of how people should live together and what form of political organization best suits human nature."[51]

Coming to terms with Dante's thinking is complicated, however, by the fact that the layers of commentary on his writings have reached, over the centuries, to almost geological proportions. No sooner was he dead when that occluding process of sedimentation began with the gloss composed by his oldest son, Jacopo Alighieri, and with the bitter attack on the *Monarchia* launched by Guido Vernani. And it was to continue across the years all the way down to the great twentieth-century commentaries written by such as Francesco Mazzoni, Charles Singleton, and Erich Auerbach.[52] As a result, anyone today who presumes to comment on the poet's works must do so with intimations of fallibility more than usually insistent and certainly without any unrealistic expectation of meeting, from his or her readers, with anything approximating full agreement.

Right at the start, it should be acknowledged, the very absence in the *Monarchia* of references to the political circumstances of the day has long since given rise to differences of scholarly opinion on such basic issues as the very dating of the work and, accordingly, the

relationship in which it stands to the political events of the era, as well as its alignment with (or departure from) what Dante has to say in other of his writings. Thus, some have dated the *Monarchia* to 1312, viewing it as having been completed just after the coronation of the emperor Henry VII in June of that year and before his definitive break with the pope. They have seen it, therefore, as reflecting something of the evanescent and aberrant, pro-imperial emphasis evident in the political letters he had written in 1310/12 after the announcement of Henry's expedition to Italy, but absent from the more chastened, church-oriented, and more obviously "orthodox" religious and political vision woven into the verses of the *Commedia* written in the years subsequent to the composition of the *Monarchia.*[53] Others, however, have dated the latter treatise to 1318, seen its completion, therefore, as having coincided with the writing of the *Commedia,* and concluded accordingly for a general concordance in viewpoint between the two works, as well as for a greater measure of stability in Dante's pro-imperialist sentiments.[54] Affirming that later dating, indeed, Cassell goes further and asserts that in writing the *Monarchia* and seeking "to refute the claim of papal jurisdiction in temporal affairs," Dante was rallying specifically to the defense of his former patron and friend Can Grande della Scala of Verona and producing "a publicist document intended for pragmatic effect in both the political and spiritual arenas."[55]

The 1318 dating Ricci adopted in his 1965 edition and subsequent editors, Shaw included, have followed in his footsteps. So, too, do I, moved by the fact that that dating responds to the sole piece of internal evidence to be found in the treatise itself.[56] But moved also, I should confess, by the broad concordance of political viewpoint I sense between the *Monarchia* and *Commedia,* as well as between the political letters written in 1310–12 and Dante's earlier evocation in the *Convivio* of the historic destiny of the Roman empire.[57] It is via those earlier materials, then, that I propose to approach the more systematic argument Dante elaborates in the *Monarchia* as well as the poetic echoes and harmonics of that argument which resound in the cantos of the *Commedia.*

In the *Monarchia* Dante addresses three basic issues, devoting in turn a book to each of them. The first, a matter of abstract political speculation focused on the question of whether or not monarchy was "necessary to the well-being of the world." The second, a wide-ranging attempt at interpreting the history of mankind, seeking to decide whether the Roman people had taken on the office of world monarchy de jure or simply by force. The third, focusing more narrowly on the much-contested contemporary issue concerning the role to be played by the papacy in temporal affairs, concerned itself with the question

of whether the world monarch derived his power "directly from God or from someone else (his minister or vicar)"—that is, the pope.[58] Of the three questions, the two first were by no means new to him and represented a return on his part though in more systematic fashion to matters he had touched upon during the fifteen years preceding, both in the *Convivio* and in three of his letters.[59]

So far as the first question went, Dante had addressed it head on in the fourth book of the *Convivio,* a work which amounted to something of a cultural encyclopedia. There, beginning in straightforward Aristotelian fashion with the nature of man as a social animal who is incapable of attaining by himself "a life of happiness," he goes on to argue that for his fulfillment, then, "the individual . . . requires the domestic society of family" or household, which in turn needs to be part of a neighborhood, which, in order to satisfy its own needs, has to be part of a city.[60] Thus far, the Aristotle of the *Politics.* But then, and in this like Aegidius Romanus before him,[61] Dante pursues the logic of the argument further to make the point that to achieve *its* end in turn the city has to be part of a kingdom, and then still further (in this like Englebert of Admont) to make his clinching point. Namely, that in order to avoid the quarrels and wars which human cupidity generates even among kingdoms, it is

> absolutely necessary that the entire world, and all that the human race is capable of possessing, be a monarchy, that is, that it be under the dominion of one rule and one ruler: the ruler would himself possess everything and have nothing further to desire, and so he would ensure that kings be content to remain within the bounds of their kingdoms, and thereby to keep peace among them.

Thus there would be one person charged with directing "all the particular ends" to their "single and final end" so that "finally, the individual would live happily, which is the end for which he is born." That person "is called emperor, since he governs all who govern," and it is altogether clear that "the honor and authority that belong to the emperor are unsurpassed in human society." For he is the "minister of all" and the "rider of the human will."[62]

Such is the argument that Dante proceeds, over a decade later, to develop more systematically in the first book of the *Monarchia.* Though he opens and closes with a flurry of biblical allusions and complements the Aristotelian notion that "all men naturally desire to possess knowledge" by insisting that it is God who "has endowed [us] with a love of truth,"[63] the line of argument he pursues in this book is not in texture specifically Christian. With the degree to which it pivots on the microcosm/macrocosm theme and the parallelisms it accordingly draws between the governance of the universe, moved and ordered by the monarch or prime mover and that of human

society over which an emperor or world monarch presides,[64] it evokes, like Aquinas's *De regno,* themes that go back to the pre-Christian era. Those themes were central to the mode of thinking characteristic of the Hellenistic philosophy of kingship and had been echoed later on by Philo Judaeus and Eusebius of Caesarea.[65] Thus monarchy was correlated with monotheism, rulership viewed as being in the image of God, and the king seen as bearing to his kingdom (or the emperor/world monarch to humankind) the same relation as did God, the supreme monarch, to the universe itself. For "mankind most closely resembles God when it is most a unity, since the true measure of unity is in him."[66]

Beyond this ancient and fundamental argument from the natural orientation of all things to unity and exploring now the ramifications of Aristotelian teleology, Dante unfolds a series of further arguments all of them converging on the general conclusion that "for mankind to be in its ideal state there must be a monarch in the world."[67] Mankind's ideal state he envisages as presupposing the universal reign of peace, justice, and concord and as making possible the suppression of greed, the vindication of human freedom (that is, "the existence of men for their own ends"), and the actualization of "the full intellectual potential of humanity." For "the highest faculty in a human being is not simply to exist." Instead, "the highest potentiality in humankind [*humanitas*] is the intellectual potentiality or faculty."[68] None of these things are within the power of the individual acting alone; nor can they be realized within the limited communities of household, city, or kingdom, all of which pursue no more than the subordinate ends proper to them. Only within the community formed by humankind as a whole and directed to the most inclusive of ends does the attainment of the full human potential become possible.[69] And as in every community there must be one who rules, governs, and leads it to its proper end, so, too, with humankind as a whole. It being "ordered to one goal . . . , there must therefore be one person who directs and rules mankind, and he is properly called 'Monarch' or 'Emperor.'" Hence, the firm summation: "It is apparent that the well-being of the world requires that there be a [world] monarchy or empire."[70]

Only in the last chapter of this first book of the *Monarchia,* and by way of effecting a transition to the topic of book 2, does Dante descend from the remote empyrean of abstract philosophical principle and move to identify none other than the Roman emperor as the monarch of humankind he has specifically in mind. There was nothing novel about that move. He had made the same move already in the *Convivio,* and it is unambiguously reflected also in three of the "political" letters he wrote between 1310 and 1312. But it should not escape our attention that in making it he was (unwittingly) following

in the thousand-year-old footsteps of Eusebius of Caesarea and, by so doing, wedding to the archaic, atemporal principles residing at the heart of the Hellenistic philosophy of kingship an essentially historical, biblically inspired mode of thinking.[71] And by so doing he was led like Eusebius himself—or, better, like Paulus Orosius with whose *Histories* he was well acquainted—to effect a re-sacralization of the institution of kingship, a shift of political thinking from the natural order to the order of redemption, and an embedment within salvation history of the unfolding of Roman imperial history, ancient as well as medieval. In effect, he was embracing something akin to the providentialist Christian optimism to which Eusebius had given quintessential expression and which had remained dominant among Christian Roman thinkers for a century and more after Constantine's conversion.[72]

It had not always, however, been so with him. Right at the start of the *Monarchia*'s second book, focused, it will be recalled, on the question of whether the Romans had taken on the imperial office de jure or simply by violence, he confesses that

> I used once to be amazed that the Roman people had set themselves as rulers over the whole world without encountering any resistance, for I looked at the matter only in a superficial way and I thought that they had attained their supremacy not by right but only by force of arms.[73]

By the time he had come to write the *Convivio,* however, he had already changed his mind on the matter perhaps as a result of his own reading of Orosius or, it may be, under the influence of Remigio de' Girolami's teaching.[74] Of that we cannot be certain. But what is clear is that whereas Augustine had moved away from the Eusebian-style of providentialist Christian optimism that appears to have been the theopolitical commonsense among fourth-century Roman Christians and begun to sound the bleaker melodies of his maturity that are so evident in the *De civitate dei,*[75] Dante had moved, to the contrary, in the opposite direction. That is to say, he had abandoned his earlier *negative* take on Roman supremacy as a regime grounded in violence (something similar to the posture adopted by Augustine in the fourth book of his huge work)[76] and moved to embrace the alternative, accommodationist, providentialist, and ultimately Eusebian attitude which the Christian fathers, Greek as well as Latin, had developed even during times of persecution and which, in the end, had enabled them not only to accept the Roman imperial authority but also to accord to it a central role in salvation history. In effect, he should not be seen as having carved out new territory but as having (however unwittingly) reached back beyond entrenched medieval attitudes to grasp what had been the predominant Christian wisdom during the

later patristic era.

We have seen how important a role the "Lukan tradition" (i.e., Luke's correlation of the Gospel story with the history of the Roman empire at large and his emphasis in particular on the coincidence of the birth of Christ with the reign of the first emperor and the dawn of the Augustan peace) had played in the patristic attribution to the empire of a providential role in redemption history.[77] It played an even more important role in Dante's equally providentialist interpretation of the course of Roman history. Going beyond the matter of mere chronological correlation, he went so far, quoting "Christ's chronicler" "Luke the evangelist," as to claim that "by choosing to be born . . . under an edict emanating from Roman authority, so that . . . [he] might be enrolled as a man in that unique census of the human race, . . . he [Christ] acknowledged the validity of that [census] edict . . . of Augustus" and, by so doing, acknowledged the legitimacy of Roman authority.[78] Had not "the Roman empire," indeed, been "based on right, Adam's sin was not punished in Christ." For had not "the Roman empire existed by right," "Tiberius Caesar, whose representative Pilate was, would not have had jurisdiction over the whole of mankind" and Christ's punishment and suffering on behalf of mankind would have been illegitimate. So that "both the beginning and the end of his [Christ's] earthly campaign" sanctioned the fact that the Roman empire existed by right.[79]

Such biblical arguments Dante buttressed with other arguments "mainly based," he says, "on rational principle" but heavily dependent, it turns out, on Lucan, Livy (perhaps at one remove), and, above all, Virgil, to whom he referred as "the glory of the Latins."[80] Dante, certainly, regarded him as "a symbol of the Empire or of Rome," as "the personification of reason and human wisdom," and, beyond that (in accordance with medieval myth), as a prophetic figure, bearer of a parallel revelation, an (unconscious) "herald of Christ."[81] Roman history he saw as having been punctuated with miracles, not least among them that mythic moment when, as Livy tells us, only the warning given by the sacred geese (*clangore eorum alarumque crepitu*) had saved the Capitol itself from shameful seizure by the invading Gauls.[82] Such instances of divine intervention were testimony to the providential nature of Rome's rise to universal power, to the fact that, as he put it in the *Convivio,* "the Roman empire was willed by God" who had chosen the Roman people for that imperial role because of their "strength of character" and "most human benevolence."[83]

That is the message conveyed with great insistence in the third to ninth chapters of the *Monarchia*'s second book, and it clearly entailed the type of sacralization of the Roman leaders that is evident also in

the rapturous welcome to the emperor that Dante gave in the letters of 1310–12 that he wrote in connection with Henry VII's descent upon Italy. In those letters he greets the emperor elect as "godlike Henry" (*divus Henricus*), "sole ruler of the world" and "minister of God," "by divine providence King of the Romans and ever Augustus." Going further, indeed, he moved to depict him as "another Moses" raised up by God to "deliver his people from the oppression of the Egyptians," and, beyond that even, portrayed him in unmistakenly messianic terms. Writing to Henry at that time he unblushingly testified that upon seeing him "my spirit rejoiced within me, when I said secretly to myself: 'Behold the Lamb of God, which taketh away the sins of the World.'"[84] And, though perhaps more obliquely, that same yearning for the coming of an "earthly savior," a future emperor or new Augustus who would restore the "unique and vanished [imperial] order to the modern world," finds expression also in the *Commedia.*[85]

Of Rome, then, Dante had said already in the *Convivio* that the very "birth and growth of the holy city were unique, according to God's plan and providence," so that "I have no hesitation in saying that the very stones that make up its walls are worthy of reverence."[86] Rome, Davis has said, "united the pagan and Christian cities, and the imperial and papal, in a perfect fusion,"[87] and it was Dante's "particular originality to sacralize secular or at least imperial government without in any way clericalizing it or neglecting its natural function."[88] But without attending to what Dante had to say in the third book of the *Monarchia,* the full implication of such statements is likely to elude us.

When, having absorbed the Hellenistic philosophy of kingship, the related Philonic vision of imperial power, and the providentialist implications of the Lukan tradition, the church fathers had accommodated their Christian beliefs to Roman imperial sacrality, they did not have to figure into their theoretical calculations, after all, the monarchical, even imperial, papacy of the thirteenth century, with its hierocratic claims to a plenitude of power in matters temporal no less than spiritual. But when, a full millennium later, Dante followed the independent trajectory that led him in parallel fashion to sacralize Roman history and to accord the empire a place in the economy of salvation, he could hardly ignore, even had he wanted to, the central role the pope had come to play as vaunted successor of Peter in the Catholic regimen of faith as well as the high imperial claims being advanced in his own day on behalf of the papal office. There is, indeed, no reason to believe that he would have wanted to do anything of the sort. About the centrality of the pope's spiritual role in the church as successor of the apostle Peter he had no doubt. For he (the pope) "assuredly holds the keys to the kingdom of heaven," and

since “earthly happiness is in some sense (*quodammodo*) ordered towards immortal happiness,” he is, therefore, in some sense “superior to the Roman emperor.”[89] On that matter he is in full accord with the orthodoxy of his day. Instead, what he is at pains to challenge in this third book of the *Monarchia* are the claims being made for the power of the papal office in matters temporal and for the notion that “the authority of the Roman monarch [emperor], who is monarch of the world by right, derives” not directly from God but “from some vicar or minister of God, by which I mean Peter’s successor.”[90] It is to those (in his view illegitimate) claims as well as to the greed that lay behind them that Dante attributed the debilitating pattern of corruption which he saw as pivoting upon papal Rome and as spawned in his own day by the policies being pursued by such as Pope Clement V—that *pastor senza legge.* And against all of that he directed in the *Commedia* at large, and not least of all in the *Paradiso,* a good deal of elegantly phrased poetic vituperation.[91]

In the third book of the *Monarchia,* however, he limited himself to refuting six scriptural (mainly allegorical) arguments developed by the papal hierocrats in their attempt to vindicate the existence of a papal authority in matters temporal.[92] He deployed two further arguments pivoting on the historical deeds of emperors and popes (notably, the so-called Donation of Constantine, which he took to be authentic but legally invalid).[93] And to them he added a further concluding argument which he then dismissed, in effect, as a distortion of the argument based on the ordering of all things to unity on which he himself had dwelt in the first book of the treatise and which had led him to conclude for the existence of a single world monarch or emperor.[94] But how, he is now forced to ask, is the pope to be related to that imperial world ruler? Certainly not, he insists, as the source or intermediary by which power is conferred on that emperor. The latter’s power, no less than that of the pope, comes directly from God himself, “the prince of the universe” and “fountainhead of universal authority.”[95] “Alone among all created beings,” man “is ordered [not to one but] to two ultimate goals.” The first is “happiness in this life, which consists in the exercise of our own powers, . . . is figured in the earthly paradise,” and is attained “through the teachings of philosophy.” The second is “happiness in the eternal life, . . . the enjoyment of the vision of God (to which our own powers cannot raise us except with the help of God’s light).” It is “signified by the heavenly paradise” and is attained “through spiritual teachings which transcend human reason.” As a result, “man has need of two guides corresponding to his two-fold goal: . . . the Supreme Pontiff, to lead mankind to eternal life in conformity with revealed truth, and the emperor, to guide mankind to temporal happiness in conformity with

the teachings of philosophy."[96]

Firm enough, it might seem. But in the concluding sentence of the *Monarchia* he moves famously to qualify this parallelism of independent ruling authorities. There he concedes that because "earthly happiness is in some sense ordered to immortal happiness" the emperor must in some sense (*in aliquo*) "be "subject to the Pontiff," at least to the degree that he owes "that reverence towards Peter which a first-born son should show his father."[97] Slight though that qualification is, it does signal (*pace* Gilson), though in tantalizingly incomplete fashion, a recognition that there must necessarily be *some* relation between the two authorities. And it opens the way for tentative speculation, at least, to the effect that Dante may have been willing to envision, in the tradition of John of Paris, the pope's exercising some sort of "non-coercive influence" or "narrowly-conceived indirect power" in matters temporal."[98] On that matter, however, prudence would suggest the wisdom of an admittedly unsatisfactory adhesion to a measure of interpretative agnosticism.

All in all, the *Monarchia* is a remarkable piece of work—symmetrically constructed,[99] calling in its meticulous argument on the Aristotelian logic of the day, firmly buttressed with a rich array of references to the classical authors, and possessed of foundations established so deeply in biblical soil that Beryl Smalley was moved, in her classic *Study of the Bible in the Middle Ages,* to pay tribute to "the incisiveness of [his] genius."[100] Remarkable it may be, but its career subsequent to Dante's death turned out to be a deeply troubled one. In 1343, it is true, Cola di Rienzo (c. 1313–54), elected "tribune" of the Roman people and self-styled "white clad soldier of the Holy Spirit,"[101] moved, it seems, by a burgeoning vision of a Romano-Italian empire, wrote an important commentary on the *Monarchia.*[102] And more than a century later, Mercurio de Gattinara (1465–1530), chancellor to the emperor Charles V, energized, it seems, in his own imperial speculations by Dante's universalist ideas, sought without success to bring about the publication of a new edition of the treatise.[103] This is the more surprising, however, in that the shadow of putative heterodoxy had long since fallen athwart the career of the *Monarchia,* having become well established in the wake of its condemnation during the pontificate of John XXII and the circulation of a short but derisive refutation in 1329 by the Dominican canonist Guido Vernani.[104] The very prominence of the treatise, indeed, had in many ways come by then to be dependent upon its dubious reputation. Prior to its condemnation, or so Boccaccio tells us, the *Monarchia* "had hardly been heard of," and it only became "quite famous" after its arguments came to be invoked by the propagandists of the emperor-

elect Lewis IV[105] during the opening phase of the last great medieval conflict between empire and papacy. To that conflict, which stands out primarily because of the intellectual stature of the two principal proponents of Lewis's cause, we must now turn.

Empire versus Papacy—The Last Great Round: Marsiglio of Padua and William of Ockham

The source of the conflict was essentially political: the confusion surrounding the election in 1314 of Lewis IV of Bavaria as king of the Romans (emperor-elect) and his brushing aside of papal claims to adjudicate the electoral dispute.[106] While Lewis was the choice of five of the seven electors, two others had voted for Frederick of Austria, and both claimants had gone on to have themselves crowned and anointed as king. After his victory at the battle of Mühldorf in 1322, Lewis had succeeded in vindicating his royal claim and was moving on to grasp also the prerogatives of emperor in northern Italy when, in 1323, Pope John XXII threatened him with excommunication. He did so, among other things, for Lewis's having assumed the royal title without prior papal approbation. That papal sentence went into effect in 1324, was followed later that year by a further sentence of deposition and, subsequently, by Lewis's condemnation as a heretic. By way of response, and in an attempt to consolidate his position, Lewis (his route through Italy dogged by papal interdicts) descended upon Rome and, in the pope's absence, had himself crowned emperor there by Sciarra Colonna, acting as representative of the *populus Romanus*. Before leaving Rome to return to Germany, Lewis declared John XXII to be a heretic and no true pope and had him, accordingly, condemned to death. With that, and subsequent rounds of delicate diplomacy notwithstanding, an embittered and protracted standoff ensued between Lewis and his papal opponents—first John XXII and then, after him, Benedict XII (1334–42) and Clement VI (1342–52). And that intractable conflict was destined to endure all the way down to Lewis's death in 1347.

Though it began in the manner just described, the conflict expanded with time to encompass other issues as well. Not least among them were Lewis's alliance with such papal enemies as Galeazzo Visconti of Milan[107] and the prolonged asylum he extended at his court to such excommunicated papal critics as Marsiglio of Padua (c. 1275–80–1343), Michael of Cesena (1270–1342) former minister general of the Franciscans, and William of Ockham (1285?–1347).

Prior to his completion at Paris in 1324 of the *Defensor pacis*

(*Defender of the Peace*), perhaps the most impressive work of political philosophy produced in the Middle Ages (and certainly the work that poses one of the greatest of interpretative challenges), Marsiglio dei Mainardini, born into a family prominent in the administration of Padua, had, while focusing on medical studies, acquired a broad familiarity with Aristotelian philosophy at large and with natural philosophy in particular as well as an acquaintance with theological issues. Having taught as a scholastic master in the Faculty of Arts and served as rector of the University of Paris, he had left France—voluntarily it seems[108]—soon after the *Defensor pacis* was completed, and made his way to the imperial court in Nuremberg where he appears to have become a counselor to Lewis IV. Certainly, he served in that capacity at Rome in 1328 during Lewis's Italian expedition, though, it turns out again, no evidence exists to support the common assumption that Lewis had installed him there as *vicarius in spiritualibus*.[109] Whatever the case, and himself by now condemned as a heretic, he accompanied Lewis when the latter withdrew from Italy in 1329 and spent the rest of his life at the imperial court in Munich as a counselor to the emperor. Michael of Cesena, in turn, had been extruded into the outer darkness of heterodoxy because of his refusal to accept the ruling John XXII had handed down in a somewhat imperious attempt to end dissension among the Franciscans on the doctrine of apostolic poverty.[110] And William of Ockham, who had first, it seems, been accused of doctrinal error in his theological writings (though never formally condemned), was later, in 1328, excommunicated for his adamant rejection of John XXII's teaching on apostolic poverty.[111]

To the central political thinking of Marsiglio and Ockham we will be returning in two subsequent chapters.[112] Here, then, we will limit ourselves to identifying what it is they had to say about the relationship between imperial and papal authority. And, in the case of Marsiglio, that means that we will be addressing primarily not the *Defensor pacis* but two shorter polemical works written later on at the court of Lewis of Bavaria and in the service of the latter's imperial cause—the *Defensor minor* (*The Lesser Defender* [*of the Peace*] and the *De translatione imperii* (*On the Transfer of the Empire*).[113] Although its precise dating is uncertain, the latter, a work of historical polemic, probably predated the former. It involved a tendentious reworking of the materials marshaled earlier by a pro-papal author whose purpose it had been to advance the traditional high papalist claim to historically grounded rights over both empire and emperors, a claim on which John XXII had placed great weight. Marsiglio's objective, however, was a diametrically opposed one. The nub of the issue being the role played by the papacy in effecting the transfer of the seat of

imperial Rome, he tells us at the outset that it will be his purpose to establish "by means of which person or persons and in what manner, it had actually passed from the Romans to the Greeks, then from the Greeks to the Gauls or Franks, and most recently from the Franks or Gauls to the Germans."[114] This, in his summation, he claims to have done. That is to say, he claims to have made clear that all such transfers had been rightfully accomplished, with the emperors right down to the present having been selected in accord with legal practice and in such a way (notwithstanding papal claims to the contrary) that any papal role in the matter over the centuries had simply been "for the sake of ceremony rather than an account of some necessity."[115] Thus, by way of underlining both points he insists, with cross-references to the *Defensor pacis,* that the transfer of the Frankish kingship from Childeric, last of the Merovingians, to Pepin, first of the Carolingian kings, was accomplished not (as the papalists would have it) by Pope Zacharias, who as pope could neither make or unmake kings, but by "the princes of the realm." For such a "deposition of a king and establishment of another" pertains "to all the inhabitants of the region, citizens and nobles, or [to] the greater [or 'weightier'—*valentior pars*] part of them." He also takes note of the transition, after the death of Otto III, from a species of hereditary succession in the making of emperors to the alternative legal practice currently prevailing, whereby they were to be elected by "seven imperial officials of princely rank." And this, too, he buttresses with cross-references to the *Defensor pacis* where, among other things, he had asserted that "the efficient power to institute or elect a principate belongs to the legislator or the universal body of citizens."[116]

Such historical objections undercutting high papalist claims to rights over the empire having thus been posted, Marsiglio returned later—probably in the years 1339–41—to craft, as he had done earlier in the *Defensor pacis,* a more far-reaching, boldly theoretical, and "fully integrated conception of the temporal realm of politics and of the place of religion and the clergy within it." He did so in his *Defensor minor* and with somewhat more explicit reference to the pope-emperor/papal-imperial relationship than had been the case with the more "generic" *Defensor pacis.*[117]

That *somewhat* deserves emphasis. His references in the *Defensor minor* to the empire are, in fact, surprisingly infrequent. "Surprisingly" because those historians who have chosen to pay any attention at all to the treatise have tended to make two claims about it. First, though with one qualification, that it is really no more than an epitome of the *Defensor pacis.* Second—the qualification in question—that it reflects on Marsiglio's part a significant shift away from the republican sympathies that had informed the *Defensor pacis* and in the direction

of an unambiguous alignment with imperialist theory. And that shift is seen to be a consequence, as Gewirth puts it, of Marsiglio's subsequent "association with Lewis of Bavaria."[118] I will defer to a subsequent chapter any adjudication of the latter claim, for it is predicated on an explicitly republican interpretation of the *Defensor pacis.*[119] For the moment, it must suffice to say, in relation now to the first claim, that I find more persuasive Cary Nederman's case to the effect that whatever the overlap of its content with that of the *Defensor pacis,* the *Defensor minor* "deserves to be treated as a coherent work of political thought in its own right" and as something "more than a derivative adjunct of the *Defensor pacis*."[120]

If, then, we treat it in that way and with a particular focus on the picture it conveys concerning the relationship between *regnum* and *sacerdotium,* emperor and pope, the core of its argument can be summed up and conveyed briefly, or so I believe, in six points.

First, Christ was unique in his possession of a dual nature, that of God and that of man, and certain things could pertain to him as God, or as God and man simultaneously, that did not pertain to him simply as man. It was as God that he was "King of kings and Lord of lords," creator of the world, performer of miracles, giver of "divine law to mankind for the sake of its condition in the future world, . . . restraining transgressors by coercive judgments in accordance with it and saving those who observe it."[121] As God, Christ is, in effect, not only the legislator of divine law but also sole "coercive judge on the basis of it."[122]

Second, it is to Christ, not as God but "in so far as he was a man and a human priest," that Peter and the apostles and, with them, the bishops and priests who came after are the successors. But as man, Christ "willed Himself to lack . . . in the present world . . . the coercive authority and power to constrain anyone by means of punishment." "My kingdom," he said, "is not of this world," and he "willed the apostles to lack such coercive authority and power and, in their persons all bishops and presbyters who succeeded the apostles and all who in turn succeeded them."[123] So far as the divine law goes, Christ, who as God is its legislator, is sole coercive judge, and the punishments attaching to his judgments are punishments that take place in the future life.[124] Of Christ as man Luke the Evangelist tells us (5:31) that he "called himself by the name of physician," and that, in effect, is what bishops and priests as successors of Christ the man and (human) priest are, too. In common with physicians they bring expertise and experience to their duties, but, that notwithstanding, the physician still lacks the power to "compel anyone to observe a suitable diet" or "to avoid a harmful one." Similarly, while priests can "urge, or make regulations or exhortations in regard to good morals and

works to be done," such promptings are no more than "instructions or rules." As such they fall short of being *laws* and there pertains to them, accordingly, no coercive jurisdictional power enforced by punishment "in the present world."[125] As St. Paul suggests (2 Tim. 4:2), "it can pertain to the office of the priest to engage in exhortation, submission, censure and reproof, with patience and instruction in all things," but "he can never engage in compulsion." If that is true in matters spiritual, it is even truer when it comes to the establishment of coercive laws or the exercise of "judgment according to such laws over all civil human acts in the present world" on the grounds that "all such acts, which human law enjoins or prohibits, touch upon good or bad morals." Neither regularly (*regulariter*) nor "in special cases" (*in casu*) do any such actions—as, for example, the correction of negligent rulers—pertain to the office of priest.[126]

Third, these restrictions pertain not only to bishops and priests at large, whether singly or in assembly, but also, overweening claims to a papal plenitude of power notwithstanding, to the pope or bishop of Rome. "Neither St. Peter nor any other apostle had coercive jurisdiction over the remaining apostles or other . . . ecclesiastical ministers." It was Christ as God not as man to whom "all power in heaven and earth" was given (Matt. 28:18) and who is said, accordingly, to have possessed a plenitude of power. But not even in matters spiritual (let alone temporal) does such a plenitude pertain to St. Peter, successor as he was of Christ as man and human priest, or to the Roman pontiffs who were his successors.[127] No more, certainly, than any other ecclesiastical minister does the Roman pontiff "have coercive power in this world over either clerics or laymen, even manifest heretics, unless this jurisdiction should have been conceded by a human legislator."[128]

Fourth, with that last assertion we arrive at something of a hinge in Marsiglio's argument. In the three points sketched in above he has been emphasizing the limits of ecclesiastical power, whether that exercised by the simple priest or that deployable by the pope himself. Those limits preclude not only the exercise of temporal power but also the possession of any sort of coercive jurisdiction even in matters spiritual. Thus, on the matter of excommunication of sinners or the imposition of interdicts, it "cannot be demonstrated on the basis of Scripture" that there is any "power or authority of priests to excommunicate individual believers either spiritually or civilly, that is, to deprive them of spiritual approval or of civil association, nor to interdict communities of believers or to deny the divine offices to them." So far as "civil excommunication" goes, involving as it does "coercion over goods or persons or both," "such authority never pertains to priests" but to the civil power.[129] For "*any* coercive

authority or power whatsoever in the present world. . . derives not from divine but from human law." And human law, which covers "voluntary human acts committed or omitted in the present world," as well as any dispensation from it, is the work of the human legislator alone in that it is a coercive "precept of citizens (*universitas civium*) or of its greater (weightier) part (*valentior pars*)."[130] Thus "the authority to separate heretics by compulsion or restraint through the punishment of their persons or their property. . . belongs not to priests. . . but to the secular rulers or human legislator."[131] Even the "prohibition of entrance into marriage between blood relations," being done "by a precept or statute of human law, pertains to the authority of the human legislator or the Roman ruler."[132]

Fifth, the signaling of this latter alternative and the "human legislator" (*legislator humanus*) playing so fundamental a role in the making of human law and the deploying of coercive power puts firmly on the table the question of what exactly it is that Marsiglio means by the term "human legislator." The answer he had given to that question in the *Defensor pacis* has been the focus of much controversy.[133] But when he addresses the question here in the twelfth chapter of the *Defensor minor* he begins with a formulation that is essentially in line with that earlier definition. His answer: the supreme human legislator, especially from the time of Christ up to the present time, and perhaps for some time beforehand, was and is and ought to be the community (*universitas*) of human beings who are/ought to be subject to the precepts of coercive law or their greater part (or "weightier part"—*valentior pars*) in each region or province.[134] But then Marsiglio moves beyond what he had had to say earlier and pushes on to an identification of the human legislator, not merely with the Roman people but with "the Roman people and its ruler," that is, the emperor. For since, he says, the authority of the human legislator

> was transferred by the communities of the provinces, or their greater part, to the Roman people, in accordance with their exceeding virtue, the Roman people have and had the authority to legislate over all the world's provinces. If this people had transferred its authority to legislate to its rulers, then its rulers may likewise be said to possess such a power, so that the authority or power of legislation . . . has endured for so long a time and ought reasonably to endure, until such a time as it might be revoked by the communities of the provinces from the Roman people or by the Roman people from its rulers.[135]

If such talk about the fact that the legislative authority thus conferred on the emperor by the people was in principle revocable underlines the fact that in theory there was nothing *necessary* about such a delegation, in practice Marsiglio makes little of the matter, and elsewhere in the *Defensor minor* he tends simply to equate the human

legislator with “the community of citizens or the supreme ruler who is called the Roman emperor.” Or, again, to speak of “the community of citizens or their greater part, or the supreme Roman ruler who is called emperor,” or of the “Roman ruler, in so far as he is the human legislator,” or even of “the authority of the human legislator or its supreme governor, namely, the Roman ruler.”[136]

Sixth, while there is a certain fluidity to such formulations, that fact does not detract from the conclusion, so far as the relationship between the *regnum* and *sacerdotium* at large is concerned, that the pope possesses neither a direct nor an indirect power of intrusion into matters temporal. Nor, further than that, does it detract from the conclusion—speaking now specifically of the pope-emperor relationship—that the pope (traditional high papalist claims to the contrary) has no more right to intrude in imperial elections or imperial affairs than he does to intrude in the affairs of other kingdoms or political entities. In common with the latter, the empire stands on its own separate historical foundation, independent of the papacy. As a result, and as he had insisted in the *Translatio imperii,* there was nothing at all necessary about the role that the pope had traditionally played in imperial coronations. It was a purely ceremonial and (presumably) dispensable affair. That being so, of course, the popes had no grounds whatsoever for the obdurate campaign they had pursued against Lewis IV. So far as Marsiglio was concerned, the claims they had advanced, by so doing precipitating this last great bout of conflict between empire and papacy, were, in fact, null and void.

Marsiglio’s stand was, of course, a principled one and radical at that. Ironically enough, indeed, it was more principled and more radical than the stance adopted by Lewis himself. In his persistent diplomatic efforts to achieve some sort of accommodation with successive popes, the latter was in fact pragmatic enough to betray a willingness to concede to the papacy a right to approve candidates elected to the imperial office. In this respect, Lewis may conceivably have found more to his taste in the approach adopted by William of Ockham to the pope-emperor relationship. That approach was less hard-edged and more responsive to the fullness of the tradition than were the competing monisms of Marsiglio and of the extreme papal hierocrats whom they both opposed. At the same time, however, that Ockhamist approach was also challengingly nuanced.[137] For it was shaped and informed by the startling personal epiphany that had given rise to his entire career as a polemicist.

Ockham’s moment on the road to Damascus had come at Avignon when, in the middle years of the 1320s and having as a Franciscan “diligently studied” Pope John XXII’s teaching concerning the poverty

of Christ and the apostles, he came to the stunning conclusion that the pope himself had lapsed into heresy on a doctrinal issue fundamental to the faith and practice of the Franciscan order—the Order of Friars Minor.

A century earlier and at a time when the order was still in its formative phase, problems had arisen concerning the interpretation of the rule St. Francis of Assisi had laid down for his friars minor. That rule included, in imitation of the life of Christ and the apostles, the obligation of individual and collective poverty.[138] That obligation had not been very precisely defined, but Pope Gregory IX had sought to clarify it via the stipulations of the bull *Quo elongati.* That bull, while permitting the reception and employment of money on behalf of the friars by "spiritual friends," distinguished sharply between ownership (*dominium*) of goods and their simple use (*usus facti*). It insisted also that the friars neither individually nor collectively possessed *dominium* over the goods they used or consumed. In 1245, Innocent IV had taken matters a stage further when he laid down the principle that the *dominium* of goods left for the use of the friars was vested in the Holy See. And in 1279 and again in 1312 that principle had been confirmed in the decretals *Exiit qui seminet* of Nicholas III and *Exivi de paradiso* of Clement V. Further than that, and fatefully so, by the fourteenth century it had become a matter of common belief among the Franciscans that *Exiit qui seminet* had unambiguously defined the poverty of Christ and the apostles to be part and parcel of the Christian faith.

While the teaching developed in these papal decretals had failed to satisfy the extreme "Spiritual" wing of the order, under the firm rule of Michael de Cesena, the opposition of the most radical zealots had largely been crushed, and the order was enjoying a period of comparative tranquillity when, after an inquiry initiated in 1321, John XXII had dropped what amounted to a doctrinal bombshell and adopted a stand that was to split the order and to drive Michael de Cesena into opposition and exile. In the two historic bulls *Ad conditorem canonum* (1322) and *Cum inter nonnullos* (1323) John XXII had not only denied the legal validity when applied to goods which are consumed by use of the pivotal distinction between *dominium* and *usus facti* but also declared it heretical to assert that Christ and the apostles had owned no property either individually or collectively.[139]

By so ruling, or so Ockham finally concluded, John XXII had himself fallen into outright heresy. And the searing nature of that conclusion—itself nothing less than an ecclesiological and personal nightmare—was exacerbated by the fact that the bulk of his fellow Franciscans did not share it any more than did the institutional church at large. As a result, it proved for Ockham to be nothing less than a

life-changing event. It was one that committed him, for the remainder of his days, to a turbulent (if poignantly productive) career as a polemicist striving to vindicate the truths preserved by the small, saving remnant to which he himself belonged against what he saw as an historic betrayal of Christian verity on the part of the ecclesiastical establishment. To that establishment he came to refer dismissively not as the "universal" but as "the Avignonese church," and he spoke bitterly of "those passing themselves off as Roman pontiffs" (*ecclesia Avinionica,* and *nonnulli . . . pro Romanis pontificis se gerentes*).[140] That church was in his view no more, it seems, than a provincial aberration, an heretical conventicle guilty of inventing and propagating "the grossest errors," errors which he did not hesitate to characterize as "fantastic, idiotic, and insane" (*fantasticus, stultus et insanus*).[141]

Across time, the focus of Ockham's polemical concerns shifted and broadened somewhat. It had been with a passionate attempt to establish, illustrate, and drive home the startling and basic fact of John XXII's lapse into doctrinal deviancy. But it now modulated into a further, more institutional attempt to probe the nature of the papal primacy and to chart the limits of papal power.[142] Throughout, however, so far as the argument Ockham constructed about the pope-emperor relationship is concerned (the classic interpretation by Georges De Lagarde notwithstanding),[143] the starting point was always the papacy, and it was the papacy that was to remain until the end the center of gravity of Ockham's argumentation.

One of the numerous difficulties one encounters in any attempt to come to terms with Ockham's polemical output is the fact that no single work of his plays the role of summarizing the complete range of issues he addressed. But of all his polemical writings the one that comes closest to meeting that need is the last one he wrote: the *De imperatorum et pontificum potestate* (*On the Power of Emperors and Popes*). On that work, then, I base the brief remarks that follow, supplementing it with pertinent sections of his *Dialogus* (*Dialogue*), *Opus nonaginta dierum* (*Work of Ninety Days*), and *Octo quaestiones de potestate papae* (*Eight Questions on the Power of the Pope*).[144] And while striving to stop short of a degree of simplification that might invite dismissal as textually coercive, it may be helpful, I believe, to approach what Ockham has to say about the pope-emperor relationship at two successive levels. First, at the level pertaining to what he viewed as the normal or "regular" state of affairs. Second, that pertaining to what he views as a permissible exercise of power by pope or emperor in accidental cases or extraordinary times of great crisis by way of response to the unpredictable and destabilizing contingencies that punctuate the turbulent course of human affairs

and to which, in his political and ecclesiological thinking, Ockham evinces so very marked a sensitivity.

At the first level and so far as the "regular" state of affairs goes, Ockham emerges as the moderate "constitutionalist" figure he has so often been portrayed as being in much of the recent scholarly literature.[145] Against Marsiglio, who had not hesitated to characterize the papacy as a purely human contrivance, Ockham firmly insisted on the fact that Christ had instituted the primacy of Peter over the other apostles.[146] If he may conceivably have been more ambiguous about the divinely conferred credentials of Peter's papal successors, that is not the issue on which he chooses to dwell.[147] "The crisis in the Church of his day was for Ockham rooted in a misunderstanding and abuse of the *plenitudo potestatis* in papal monarchy *per se*."[148] He was at one with Marsiglio in concluding that certain things could pertain to Christ as God that did not pertain to him as man, and that it was as God, not man, that Christ "was king of all, just as the Father is king of all."[149] And he was at one with Marsiglio, too, in affirming that it was to Christ *as man* that Peter, the apostles, and those who came after were the successors. But he came to diverge from Marsiglio when he set out to determine and delineate the consequences that flowed from those findings. As mortal man, he said, Christ acknowledged that his kingdom was not of this world; it was not to be viewed as "human or corruptible," and he himself "never intervened in secular rule." He "neither held parliaments and courts nor judged concerning temporal matters"; nor did he "in any way perform [other] things pertaining to secular rule."[150] His kingdom "as mortal man" extended, instead, only to matters spiritual. It "was not a secular kingdom but a spiritual kingdom—that is, it was the church of Christians, to be governed by him spiritually."[151]

If that was true of Christ himself, it was true also of Peter and the apostles and true likewise of their successors down through the ages. In "making St. Peter head and prince of all the faithful," while conferring on him a certain plenitude of power, Christ did not convey such a power that he might do in temporals regularly (*regulariter*) and "by right, anything not contrary to divine or natural law." And that is true even of spirituals for there, too, "Christ . . . set in place certain bounds, which Saint Peter was not allowed to overstep."[152] And that is true also of the pope who, though he possesses an authority that is coercive in nature, has "in Saint Peter received power from Christ only for the edification of the faithful and not to their destruction."[153] The "Avignonese church" and "those passing themselves off as Roman pontiffs" overstep those divinely stipulated "ancient bounds" when they intrude upon matters temporal, putting their "sickle into another's harvest," injuring in particular the Roman empire "by

claiming for . . . [themselves] a more ample temporal right over that empire than . . . [they do] over other realms." Thus they encroach upon imperial rule and possessions in Italy and advance the unjust claim to possess the right "to admit or to confirm the elected candidate as king or emperor of the Romans, in such a way that prior to such admittance or confirmation he cannot by right assume the name or title of king nor involve himself in the administration of the kingdom or empire."[154]

With this last charge Ockham is evoking, of course, the initial and central point at issue between Lewis IV and John XXII, and here, as elsewhere, he goes on to insist that "he who is elected king of the Romans needs no confirmation [by the pope] nor, in respect of the imperial dignity[,] is he the inferior of the pope."[155] While in spiritual matters the emperor as a person is indeed subject to the pope, that is not true in matters temporal. The empire as such has its own independent foundation. It is, in a sense, "solely from God." It "preexisted the papacy" so that "in its origin it did not derive from the pope" and "even after the institution of the papacy" still "does not derive from the pope."[156] The picture painted thus far, then, is clear enough. It is one postulating an unambiguous dualism, involving a sharp separation between the ecclesiastical and temporal, papal and imperial authorities. And McGrade has emphasized further the degree to which this analysis of Ockham's involved "on the one hand, a thorough desacralization of secular power and, on the other, a reduced emphasis on the juridical aspects of ecclesiastical power" or, if you wish, a "de-secularizing [of] ecclesiastical government."[157]

So far, so good. But if we now shift direction and approach the whole issue in the light of what he has to say about the deployment of ecclesiastical and temporal power, not *regulariter* but on occasion (*casualiter*)—in individual accidental cases or at moments of great crisis and stringent necessity—the plot begins to thicken, the clouds roll in, and the sharp outlines highlighted by our first mode of approach become now distressingly blurred. Thinkers before him, of course, and notably John of Paris at the turn of the century, had acknowledged the possession by both spiritual and temporal authorities of a power of incidental intrusion into the other's domain.[158] But that power had been an essentially institutional and unambiguously indirect one, with the pope, for example, deploying the spiritual weapon of excommunication in such a way as to induce a people to rid itself of a tyrannical and incorrigible temporal ruler. Ockham's appeal to necessity, however, reaches beyond institutions and cuts somewhat deeper than that sort of indirect power.[159] Thus he can argue that "the pope, by divine law, regularly or on occasion (*regulariter vel casualiter*), may do all those things which are necessary

for the rule and government of the faithful, even though ordinarily and regularly (*ordinarie et regulariter*) certain limits have been set to his power." He concedes that "it is not clear what occasions they are, on which he is permitted to do things which are in no way regularly allowed him," nor can any "certain general rule be given concerning such occasions." But he does note that such cases of necessity or quasi-necessity can be said to have arisen "when all others [presumably layfolk], whose concern it was, have defaulted" so that the pope "can and should involve himself in temporals to remedy the damnable and dangerous negligence of others."[160] Similarly, while the emperor ought not to involve himself in spirituals even on occasion, still, if he is a Christian ("since many true emperors have been infidels"), he may "be bound to interfere . . . in many spiritual cases on many occasions, and particularly in the cause of the faith," for that is a right that "belongs to every Christian."[161]

These represent far-reaching qualifications of the separation between the two powers that Ockham had described as existing under ordinary circumstances. They are so far-reaching, indeed, as to suggest the interpretative limitations of the sequential expository approach adopted above. Those qualifications represent something more than a mere *supplement* to the arrangements prevailing *regulariter*. In a sense, they serve to punctuate those arrangements so profoundly and with such particularity as almost, in Ockham's thinking, to be an integral part of them.[162] Very much, if I may risk the analogy, as do the holes which punctuate Swiss cheese. Poignant moments of non-being those holes may be, but they remain nonetheless an integral part of that cheese's very being, to a point that helps make it, in effect, a *Swiss* cheese rather than some other variety. Detectable here, I would suggest, are the reverberations in Ockham's political and ecclesiological thinking of some of his most fundamental theological and philosophical commitments, notably his preoccupation with the divine omnipotence and concomitant insistence on the radical contingency of all created beings, and notably, too, the intensity of his focus on the particular or individual existent.[163]

To this type of interpretative conundrum, not at all untypical of Ockham's polemical writings, we will be returning in subsequent chapters.[164] That said, and in the meantime, it may be observed that the conclusion in mid-century of the protracted conflict between empire and papacy that had provided the stimulus for what Marsiglio had had to say concerning the pope-emperor relationship came close to marking the definitive end of those quintessentially medieval disputes that for three long centuries had done so much to shape the history of Western political thinking. It even marked, it may be, something of a discontinuity in the course of that history. Momentary

tensions between national or civic authorities and provincial or local churches were not, of course, at an end, nor was talk about a papal indirect power in matters temporal. The latter was destined, after all, to enjoy something of a flowering in the early seventeenth century. Nor were subsequent centuries right down to the present spared the periodic recrudescence of tensions grounded in the religious loyalties of subjects and citizens and the burdens imposed upon them by the secular political authorities. On this matter, however, the terms of engagement prevailing in the modern era came to differ significantly from those characteristic of the central Middle Ages. The latter had involved a protracted controversy about the right ordering of Christian society and the appropriate structuring of governance within an all-embracing Christian commonwealth. In the wake, however, of the age of Reformation and the shattering of Christian unity, the continuing negotiation between spiritual and temporal was to take place, instead, within the conflicted arena of the individual conscience as it struggled to cope with the burdens placed on it by the confessional state. Attempts to apply the medieval principle of enforced unity ultimately wore themselves out and gave place to the characteristically modern solution of toleration, increasingly coupled with a tendency toward complete institutional separation of church and state.[165] And, coupled with that in the end often went an affiliated inclination to banish religious concerns from the public domain and to confine them within the cloistered arena of the private conscience.

3. The Politics of Virtue

Italy, the Republican Tradition, and the Humanist Political Legacy

COMMENTATORS ON THE Chinese, Japanese, and Islamic cultural traditions, and on the educational patterns embedded in them, have often been moved to warn us against the danger of projecting from a distance onto those complex ancient cultures a misleading sense of serene and timeless stability.[1] That caveat duly acknowledged, it remains the case that in China and Japan (if to a lesser degree in the Muslim world) the intensive and highly sophisticated study of a collection of revered texts (enjoying sacred or quasi-sacred status) did finally emerge as the focus of higher education, enjoying the sustained approbation of the powers that be, serving for centuries as the recognized gateway to higher civilian office, and despite the vigorous play of competing interpretative traditions, fostering across time a comparatively high degree of intellectual concord and educational stability.[2]

It would be hard to overemphasize the contrast evident in the conditions of intellectual and educational life prevalent in the Mediterranean world of late antiquity and during the centuries that ensued in the medieval Latin West. In comparison, the intellectual atmosphere and educational traditions of that world and those centuries stand out as really quite conflicted and tension-ridden.[3] And among the various tensions that have made their presence felt in the West down through the centuries and on, indeed, into the modern era, two stand out as warranting particular attention.

On the first of these, the ongoing tension between philosophical reason and biblical revelation, we have already had occasion to dwell in the second volume of this series and in the context of the twelfth-century renaissance, the recovery and assimilation of the full corpus of Aristotelian writings and the rise to prominence of the scholastic philosophy and theology. This was a tension that both predated the medieval centuries and persisted on into the modern. It had found powerful expression in the writings of such pre-medieval figures as the Latin Father Tertullian (d.c. 230), of such medieval followers of the

monastic life as Peter Damiani (d. 1072) and Bernard of Clairvaux (d. 1153), and later on in those of such lay philosophers as Blaise Pascal (d. 1662) or Søren Kierkegaard (d. 1855), who so profoundly influenced the development of modern existentialism. It is the second tension, however, less often remarked upon but even more enduring, and lodged at the very heart of the Western liberal arts tradition, that must concern us here. For it constitutes the broader context within which the rise to prominence in the fourteenth and fifteenth centuries of Italian humanism can properly be located and most accurately understood.[4]

The great tension in question is the ancient one between rhetoricians and philosophers. It goes back all the way to the Athens of the fourth century BCE and has continued to make its presence felt down to the present, though of late it has functioned as a scarcely recognized factor amid the "alarms of struggle and flight" that have marked the late twentieth-century culture wars, helping deepen thereby the persistent night of confusion in which ignorant armies have vainly clashed.[5] It has well been argued, accordingly, that "the history of liberal education is the story of a debate between orators and philosophers," of the parallel and conflicting destinies of two rival educational ideals, each possessed of its own educational program and preferred curriculum.[6] The one, essentially literary in nature, traces its lineage back to Cicero (d. 43 BCE) and Quintilian (d. 97 CE) in the Latin world and, beyond that, in the Greek, to Isocrates (d. 338 BCE), the great Athenian contemporary and rival of Plato. The other, essentially philosophical or scientific, traces its lineage, in turn, back to Plato (d. 346 BCE), Aristotle (d. 322, BCE), and the great philosophers and scientific thinkers of Greek antiquity. When commentators on the modern educational scene evoke for their own contemporary purposes the notion of liberal arts education "in the original, classical sense of that term," they almost invariably link it with the Socratic quest and the essentially philosophical ideal espoused by Plato. Namely, "the pursuit of highest knowledge through dialectic, an endeavor that liberates the mind from the chains of its shadowy cave of ignorance."[7] And yet, as Marrou has correctly insisted, philosophy remaining in the ancient world "a minority culture for an intellectual élite prepared to make the necessary effort," it was not Plato's philosophical approach but Isocrates's more practical literary/rhetorical program that eventually carried the day in the ancient world and came for centuries thereafter in the Latin West no less than the Byzantine East to dominate educational thinking and practice.[8] After the demise of the Greek poleis and the dawn of the Hellenistic era it was, then, the educational ideal espoused by Isocrates that came to triumph. Rhetoric thus became "the specific

objective of Greek education and the highest Greek culture," was practiced assiduously for long centuries at Byzantium, and was transposed successfully into a Latin key first by the Roman schools and then, especially from the ninth century onwards, by the schools of northern Europe in the West.[9] Cicero was the central figure in effecting that transposition, and as we saw in the previous volume, a great prominence came to attach to his views in the intellectual life characteristic of the twelfth-century Renaissance.[10] For him the liberal arts, dominated by their linguistic and literary components, were nothing other than the *studia humanitatis* or *studia humaniora,* the "human studies or studies befitting a human being" that the Italian humanists of the fourteenth and fifteenth centuries believed to be embedded in their own preferred educational program.[11] But behind Cicero stood Isocrates whom Marrou properly claims to have been "the original fountainhead of the whole great current of humanistic scholarship."[12] That was the type of scholarship that came to constitute the norm in late antiquity and in the earlier medieval centuries. So that the thirteenth century turn to more technical scholastic studies in philosophy, theology, and law and the later early modern turn to studies in the natural sciences represent, therefore, what amount to deviations from that norm.

Altogether dominant in France, humanistic studies represented, in their broad outlines and in varying measure, the early medieval educational norm right across northern Europe down to the early thirteenth century. By that time, however, the linguistic, literary, and rhetorical components of the standard undergraduate course of study in the arts, hemmed in already by the rise to prominence of advanced professional studies in law, theology, and medicine, came for a couple of centuries to be marginalized in the new universities by the more specialized and technical studies connected with an emergent scholastic logic and philosophy. And, from the perspective of the longer history of higher education in the Latin West, this last development can properly be seen to signal the onset of yet another round in "the centuries of warfare between philosophy and rhetoric" which had begun with "the conflict between Plato and Isocrates"[13] and was to be reflected also in the periodic moments of tension which arose in the Renaissance era between scholastic and humanist educational aspirations.

Although it often escapes notice, it is important to recognize that in the longer history in question Italy occupied during the earlier medieval centuries something of a specific niche and lagged in some respects behind the intellectual and educational achievements of the transalpine European countries lying to the north and the west. It is easy enough to suppose (and has often been assumed) that so far as

classical and antiquarian studies went, Italy must necessarily have had the edge, participating more fully than other European countries in the enduring legacy of Roman antiquity. But that proves not to have been the case. In this respect, the really vital intellectual activity took place north of the Alps at such great centers as Chartres, Orléans, and Paris. In comparison, "the study of classical Latin authors" can be said to have been "neglected in Italia during the earlier Middle Ages." It was "introduced from France [only] after the middle of the thirteenth century," at the same time, indeed, as the scholastic approach to philosophy and theology was also beginning to find its way from the French universities into the teaching practice of their Italian counterparts.[14] It was not that Italy altogether lacked its own native tradition of rhetorical education. But, however deeply rooted in the past, that native tradition, essentially practical and vocational in its goals, stood at some distance from the high intellectual aspirations and commitments characteristic of the great French centers.[15] It found expression in the so-called *ars dictaminis* and was taught as well as practiced by the *dictatores,* some of them teachers, others employed as notaries by the cities. The latter's professional task it was, with the help of routine exemplars drawn from the past, to draft letters, frame official documents, and compose for their superiors the type of speech appropriate for delivery in public. Though some of the exemplars they tended to use were drawn from the literature of Roman antiquity, this native version of the rhetorical tradition was not grounded to any marked degree in classical learning. That grounding came only later, toward the end of the thirteenth century, when the more learned French version of the rhetorical *studia humanitatis,* with its strong commitment to classical learning, began to make its inroads into Italian intellectual life and educational practice. It was, in fact, from the creative blending of these two distinct rhetorical traditions, French and Italian, that the deeply learned humanism of the Italian Renaissance came to take its rise and eventually to surpass the achievement of its transalpine medieval antecedents. It did so in the classical quality of its Latinity, the subtlety and depth of its historical sensibility, the sophistication of the philological knowledge it brought to bear on the understanding of the Latin classics, and, with the eventual mastery of Greek, in the extension of its interests and expertise into the hitherto unexplored realm of Greek literature.[16]

By the beginning of the fifteenth century Italians of humanistic education had come to be entrenched in the Italian city-states as chancellors, notaries, and secretaries to princes. They had come also to dominate, as teachers of grammar and rhetoric, the secondary schools of the day. At the university level, again, they had come to hold the chairs in grammar and rhetoric and to preside over the

subject areas embraced by the *studia humanitatis* (typically, grammar, rhetoric, poetry, history, and moral philosophy). It was to those who pursued or professed such studies that, in the course of the fifteenth century, the term "humanist" (*umanista*) came to be applied. Emerging, it seems, from student slang on the analogy of those other, more transparent, labels—*jurista, canonista, artista*—it denoted, rather than adhesion to any specific philosophy of life, the simple fact of engagement in a particular course of (essentially rhetorical) studies. It was only after the nineteenth-century introduction of the term "humanism"[17] that an almost irresistible temptation set in to suppose that the Renaissance humanists *had* to have been people who shared a common philosophy or worldview focused on human (perhaps even humanitarian) interests or values at the expense, it may be, of concern with the supernatural. And that persistent temptation, still subliminally at work, has spawned much confusion. Although the Italian humanists did concern themselves with the issues addressed by moral philosophers and resonated enthusiastically to Cicero's evocation of the elusive ideal of bringing together rhetoric and philosophy,[18] they characteristically remained rhetoricians. So far as philosophical ideas go, their works, indeed, tend to be characterized by a somewhat loose-limbed eclecticism.

That fact and the nature of Renaissance humanism as above all an educational program are both directly pertinent to the central challenge we must confront in this chapter. That challenge involves the need to come to terms with the influential claims advanced during the past half century for the formative and historic impact of humanist ideas on the development of a distinctively "modern" way of thinking about politics—secular in its mood and republican in its commitments. These ideas were portrayed, in turn, as having been hammered out on the anvil of stubbornly republican aspirations amid the instability and strife that was the unforgiving fate of the Italian city-states during the era of Renaissance. And they have been represented also as having endured against all odds to create a tradition of "classical republicanism" which, via its "Machiavellian Moment," reached forward to inform the thinking of those advocating republicanism in Cromwellian England and, later on, in the American colonies during the revolutionary era.

"Civic Humanism," the "Crisis of the Early Italian Renaissance," and the Crystallization of Early Modern Republican Thinking

Neither in Italy nor in northern Europe did humanists or, better,

writers formed in the humanist intellectual and educational tradition produce prior to the early sixteenth century works of political thought even remotely comparable in stature either with the *Defensor pacis,* which the Italian scholastic thinker Marsiglio of Padua had written right at the start of our period, or with the *Leviathan,* which Thomas Hobbes was to publish just after its end. And yet so far as Italian political thinking is concerned and the intense and continuing interest in Machiavelli notwithstanding, it was the beginning of the *fifteenth* century that emerged during the past half century as the dominant focus of scholarly concern. That this should have been the case is not to be taken for granted. To a surprising degree it was the achievement of a single Renaissance historian of great distinction and dogged tenacity of purpose. The scholar in question was Hans Baron. In 1955, having developed insights that went back to his early years in Weimar Germany when he had first deployed the term "civic humanism" (*Bürgerhumanismus*),[19] he finally published his *Crisis of the Early Italian Renaissance: Civic Humanism and Republican Liberty in an Age of Classicism and Tyranny*. A powerfully argued and deeply learned work, it has recently been described as "possibly the most important monograph in Renaissance history written since the Second World War."[20] Twenty years later, in a work of comparably formidable erudition and even larger ambition that has itself become something of a classic, J. G. A. Pocock, forthrightly acknowledging that "the presence of Hans Baron looms numinously" over his whole enterprise, warmly embraced the existence and significance of what the latter had called "civic humanism." Postulating the persistence from the days of civic humanism of an ongoing tradition of "classical republicanism," Pococke also extended its reach to illuminate the complexities of early modern English political thinking as well as those of colonial and revolutionary America.[21] Taken together, these two pivotal books, proposing in effect the radical reshaping of a long stretch of European intellectual history, have done much to stimulate a revival of interest in early modern republican ideas and the vigorous flow of scholarly literature devoted to them.

The thinking of both of these scholars pivots in many ways on their claim to have identified a sort of Copernican revolution, a marked discontinuity in the history of Western political thinking, the yawning, if you wish, of a veritable geological fault in the opening years of the fifteenth century that serves for them to demarcate from characteristically "medieval" approaches to matters political the more "modern" modes of thinking that now supervened. And these novel ways of thinking they see as maturing across the course of the fifteenth century to become the source of the republican commitments that have become an integral part of our modern Western political

heritage. The arena in which this crucial shift or break occurred was not the adamantly monarchical world of northern Europe, the Spanish peninsula, or southern Italy. Instead, it was the distinctive northern Italian world of proudly independent city-states and, among these states, quintessentially that of Florence.

Already in the mid-twelfth century, in his *Gesta Frederici Imperatoris* (*Deeds of Frederick Barbarossa*), Bishop Otto of Freising had been moved to remark on the fact that "in the governing of their cities . . . and in the conduct of public affairs, they [the Italians] still imitate the wisdom of the ancient Romans" and are "so desirous of liberty that, avoiding the violence of power, they are governed by the will of consuls rather than rulers, those consuls changed almost annually and, to avoid it seems the arrogance of class, drawn from a broad array of grouping."[22] A century later, the north Italian city-states had succeeded in broadening the ambit of that liberty to embrace in external affairs a de facto if not de jure independence from external imperial control and papal interference and, in matters internal to city governance (via various conciliar arrangements), a high degree of participatory citizen involvement in the making of decisions affecting their lives. As time went on, however, class tensions and a debilitating factionalism came to undermine the type of populist republicanism that had risen to prominence by the end of the thirteenth century. As a result, as the fourteenth century wore on, concluding that their pursuit of "liberty" had delivered them over to an unacceptable degree of chaos, city after city, in order to guarantee a measure of civic peace, came to abandon constitutional forms that we would tend to classify as unambiguously republican and to acquiesce in the rule of single, hereditary despots or *signori*.[23] By the end of that century, then, Venice and Florence had come to be exceptional in their stubborn adherence to republican or, at least, quasi-republican constitutional forms. And with the onset at the turn of the century of a campaign waged by the ever-victorious Giangaleazzo Visconti, the despot of Milan who had already made himself master of much of northern Italy, it now seemed that even Florence was destined to lose its proud exceptionalism and go the way of other subjugated cities like Verona, Padua, Pisa, Lucca, and Sienna. Those years of crisis which peaked in 1402, years during which Florence's very survival as an independent republic was in question, were the years during which Baron believed an historic discontinuity to have occurred. And that shift involved also, and critically so, an historic reorientation in the nature of Florentine humanism itself.

However novel trecento humanism may seem to us in retrospect, in critical dimensions of their thinking, or so claimed Baron, the humanists of the day still remained wedded to values that were

essentially medieval. “Compounding medieval ascetic ideals with stoic precepts,” he argued, they believed—and here Petrarch (1304–74) was the great exemplar—“that the true sage ought to keep aloof from society and public affairs.” *Otium* not *negotium* was the ideal, leisure for the life of letters and contemplation rather than active engagement in public life. In effect, the atmosphere such men breathed was “still medieval.”[24] Only at the start of the quattrocento did the transition to a new and explicitly civic form of humanism occur. Its emergence was the outcome of a series of “rapid shifts from ‘medieval’ to ‘Renaissance’”: a creative encounter of humanist intellectuals with the Florentine republican ethos, the contemporaneous rise of Florence to a position of leadership in the cultivation and propagation of humanistic studies, and something of a seismic shift in the way in which Florentines characteristically understood their own past. This last involved an abandonment by the Florentine humanists of the medieval “assumption that in the history of the [Roman] Empire one had to recognize the hand of God.” Instead, and accordingly, they embraced the notion that Julius Caesar’s ambition had undermined “the freedom and civic energies of the Roman people” and insisted on the fact that Florence itself, rather than dating back only to the imperial era, was in fact “a Roman colony established at the time of the *Respublica Romana,* and that in Florence, therefore, the blood and civic-mindedness of free Roman citizens had lived on down to the present.”[25]

The moment at which Baron saw these crucial shifts as having occurred, then, was what he calls the “fully secularized” moment at the turn of the fourteenth and fifteenth centuries when the Florentine republic, standing for the noble republican “heritage of the free city-state,” was engaged in its life and death struggle with the Visconti despotism of Milan, which stood, in turn, “for monarchic integration and centralized power.” In that great confrontation Florence unexpectedly won, and “it was the double experience of the secularization of politics and of the rise of a republican city-state to a foremost place in the Italian scene that caused a revaluation in the politico-historical outlook” of the Florentine humanists and, foremost among them, Leonardo Bruni (1370–1444).[26] Hence was born a tradition of explicitly “civic” humanism which, echoing Cicero’s endorsement of the politically committed *vita activa,* enthusiastically evoked the Roman republican tradition and celebrated what it portrayed as its contemporary manifestation in Florence. Emphasizing the morally formative role played by the active and participatory engagement of the citizen in the political life of the community which republican liberty alone made possible, it resonated powerfully to the conviction that “the promotion of a healthy and uncorrupted political

life depends less on perfecting the machinery of government than on developing the energies and public spirit of the citizens."[27] In their embrace of the active life of republican civic engagement, then, the civic humanists embraced also and explicitly what may be called a politics of virtue as opposed to a politics of obligation or legitimacy.[28] And by their assiduous promotion of that civic ideal they not only exerted a powerful influence over the conditions of political life in fifteenth-century Florence itself, but also and beyond that, according to Baron, made an important "contribution to modernity and its historical growth."[29]

For those of us who have not been socialized into the arcane, sophisticated, and slightly claustrophobic world of Florentine historiography, the dramatic picture thus painted, taken at face value and without further investigation, tends inevitably to strain credulity. We are being invited to believe, after all, that the very shape of early modern European political thinking was determined in critical ways not simply by the history of Italy in general but by the history of the Florentine city-state in particular, and not by the longer history of that city but by the events, specifically, of 1400–1402. We are similarly being asked to believe that the key players in the dramatic ideological shift being postulated were not necessarily men of action serving on the military-political ramparts but rather humanist intellectuals. Further than that, not Italian humanists in general but *Florentine* humanists in particular, and not even Florentine humanists at large but rather those who, under the shadow cast by the threat of Visconti despotism, hammered out the distinctive form of humanism to which the term "civic humanism" has come to be attached. And the civic humanists principally involved—Coluccio Salutati, Leonardo Bruni, Poggio Bracciolini, and their followers—are being portrayed not merely as the framers of future Florentine history and the shapers of its civic culture but, in some critical (if ill-defined) respects, as the shapers of the subsequent history of political thought at large. In effect, they are to be seen as nothing other than the very demiurges of political modernity.

It is hardly surprising, then, that what has come to be called "the Baron thesis" succeeded right from the start in stimulating dissent.[30] Nor is it surprising that it has continued to be dogged by controversy right down to the present.[31] In its inception, however, it clearly spoke in affirmative fashion to some trends in Renaissance historiography already well established,[32] and it should be acknowledged that the controversy to which it has given rise has in many ways been vitalizing in its impact. Perhaps as a result, and despite stubbornly persistent criticism, the thesis continues to draw significant support from scholars of note, especially so in Italy but by no means confined

to that country.[33] All of which suggests that Baron's overreaching to the contrary, his argument may harbor at least a kernel of truth and should not casually be brushed aside. To get at that kernel, however, having cut through a tangle of insistent critique and persistent rebuttal, one has still to peel away several layers of misleading claims and assertions. Here I must limit myself to four of these, though in complex and intricate ways that I cannot enter into here, the issues in contention range far beyond them.[34]

Thus, closing in on the heart of the matter sequentially from perspectives that are more general to those that are more specific, let me begin first with the vagaries of periodization and the degree to which Baron's postulation of an epochal break around 1402 depends upon a confusingly casual employment of the terms "medieval" and "modern." These are nowhere defined, but a commitment to monarchical forms of government and to an unambiguously religious worldview appear to be aligned with the "medieval," with republicanism and secularism aligned with the "modern." And, in so arguing, Baron was offering, in effect, "a thoroughly positive appraisal of what he considered the essential aspects of modern society: participatory politics, constitutional government, and security for private property."[35] Thus, because the views of humanists like Petrarch or Coluccio Salutati (d. 1406), the Florentine chancellor, lacked consistency, oscillated across time, and betrayed in the end a turning away from any firm embrace of the *vita activa et politica* in favor of the life of scholarly contemplation, and because their eulogizing of the civic virtues of republican Rome came to be tempered by the old "belief in the religious and political superiority of the Empire" and reverence for that imperial world, these humanists are seen to have succumbed to the "pressure of medievalism" and "the repressive impact of the medieval tradition." And by so doing, they are understood to have aligned themselves with "the general [presumably "medieval"] character of pre-Quattrocento Humanism" rather than with the civic humanism espoused by Leonardo Bruni.[36]

There is nothing, of course, self-evident about such assumptions or self-validating about such a definitional tactic. To call them and the postulation of a sharp discontinuity around the year 1402 into question, one has only, and in the second place, to evoke the views of a number of thirteenth- and fourteenth-century scholastic thinkers who are really not much less "secular," or sympathetic with republican values, or admiring of the republican era at Rome, or, indeed, enthusiastic about the life of participatory civic engagement than were the quattrocento civic humanists. The *De regimine principum* (1272–81) of Aegidius Romanus is not much read today, even by medieval scholars. But in the second volume of this series we saw that

it was probably the most popular medieval work devoted to political thinking, "perhaps one of the most frequently read books of the later Middle Ages," and one translated, certainly, into most of the European vernacular languages.[37] And yet one of its distinguishing features is its marked secularity of tone. In that last volume, too, we had occasion to note that the *Tractatus de regia potestate et papali* (1302) of John of Paris, in delineating the borderline between things natural and supernatural, firmly located on the natural side of the line not merely the world of temporal or secular politics but also a whole segment of the power wielded in the church by ecclesiastics, namely, the coercive power of jurisdiction (or government) in the public or external forum.[38] In the fourteenth century, moreover, although unlike some of their civic humanist counterparts in fifteenth-century Florence, they were not themselves participants in (quasi-) republican civic governments, a whole series of scholastic writers indicated their strong sympathy with republican governmental forms. Long before Leonardo Bruni, they were asserting that Florence had been founded under the Roman republic not the empire. Influenced especially, it may be, by the currency in their own day of the classical author Sallust, those earlier writers recorded their appreciation for the contributions made by the Roman republic and affirmed the degree to which they held Cicero in high esteem as a statesman. Emphasizing that fact and the degree to which in early fourteenth-century Tuscany "streams of classical influence" involving "subjects that concerned the Roman Republic" were in evidence, Charles Davis cited the Thomist scholastic Remigio de Girolami (d. 1319) as well as Dante himself (despite his providentialist imperialism) and, above all, Ptolemy of Lucca (d.c. 1326) whose *De regimine principum,* completing Aquinas's *De regno* and circulating widely under the latter's name, is in sentiment strongly republican. "Perhaps it is at this point," Davis adds, "that we find the rediscovery of pre-imperial Rome which Baron defers until Petrarch, and in regard to Cicero, until Coluccio Salutati."[39] Among scholastic thinkers of the fourteenth century comparable republican sentiments had, of course, been famously expressed by Marsiglio of Padua and, though in somewhat qualified form, by the great jurist Bartolus of Sassoferrato (1313–57).[40]

Even if, in the third place, we were to bracket the contributions of such scholastic authors and focus our attention exclusively on what Italian humanist writers had to say, serious questions have to be raised—indeed, have been raised—about the singularity, distinctiveness, and consistency of the posture that Baron ascribes to his fifteenth-century civic humanists. Thus Quentin Skinner has emphasized how mistaken it would be to assume in Baronian fashion that "no attempt was ever made to vindicate the superiority of

Republican liberty over monarchical forms of government before the work of the Florentine [civic] humanists at the end of the *trecento.*"[41] Having taken note of the fact that the earlier rhetoricians who pursued the *ars dictaminis* had eventually come to interest themselves in matters overtly political, writing for city *podestà* model letters and orations, he moves on to describe how some of the duocento pre-humanists and early humanists of the trecento concerned themselves under classical inspiration with "the government of cities" (this the very title of part of a work by Brunetto Latini [d. 1294]) and, in so doing, mounted the first full-scale defense of the characteristic political values of the old city-republics.[42] Thus Latini himself bluntly declared that the republican government of peoples surpassed both monarchical and aristocratic forms in its ability to promote the common good and political virtue.[43]

The qualifications critics have made to Baron's claims about the quattrocento civic humanists, moreover, extend beyond this sort of temporal priority accorded in this respect to earlier humanists or pre-humanists and extend somewhat more threateningly, to the positions adopted by quattrocento humanists in general and the Florentine humanists themselves, as well as to the fact that the latter were singing their praises of Florentine republican liberty and civic virtue at a time when the actual civic government of Florence, far from permitting popular participation, had become irredeemably oligarchic.

Thus we have been forcefully alerted to the fact that "from the beginning of the fifteenth century, the top citizens [at Florence] were the *reggimento,* and comprised a constellation of a remarkably small number of families," most of them the traditionally prominent ones.[44] We have also been reminded that by no means all Florentine humanists sympathized with the set of attitudes Baron identified as characteristic of his civic humanists. Nor were fifteenth-century humanists in general necessarily people of republican sympathies. Many, after all, aligned themselves with princes and despots and appear to have lost no sleep over the deployment of their rhetorical talents in lauding the latter's accomplishments and virtues. Somewhat more alarmingly, moreover, we have been alerted to the fact that even Baron's chosen civic humanists did not always themselves resonate all that faithfully to republican frequencies.

The fact of the matter is that civic humanism does not necessarily appear to have represented any sort of norm even among Florentine humanists. Bruni's contemporary, Niccolò Nicoli, stringent classicist though he was, and a man who as part of the Florentine elite had a track record of civic office holding and public service, did not share the civic humanist enthusiasm for republican institutions.[45] And Baron himself had perforce to acknowledge the fact that the typical humanist

rhetoric of praise was by no means limited in northern Italy to civic humanist praise for regimes that were republican. Instead, it readily manifested itself in a form of "despot humanism." By the 1430s, he noted, Poggio Bracciolini was having to defend "the *Respublica Romana* and the republican *virtus* of ancient Rome against the Caesar-cult of the humanists at the north-Italian tyrant courts."[46]

Thus Guarino Guarini of Verona (d. 1460), who shared the civic humanist view that study of the classical authors, Cicero in the forefront among them, would promote the formation of active, virtuous citizens, still viewed Caesar as the greatest of Romans. Pier Paolo Vergerio (d. 1444), moreover, concluded that it was in the service of princes that the best form of civic engagement could be achieved.[47] And, of course, though the issue is not in play at this juncture, the northern humanists of the following century who addressed themselves to matters political, habituated as they were to monarchical regimes in England and Germany, "found it hard to make sense of the Italian obsession with *libertas,* or to sympathize with the accompanying tendency to argue that Republicanism must be considered the best form of government."[48]

What, then, about Baron's leading civic humanists themselves, people like Coluccio Salutati, Poggio Bracciolini, or, quintessentially, Leonardo Bruni? Here, and in the fourth place, we arrive at the very heart of the matter and have to face the fact that, his celebration of liberty notwithstanding, Bruni does not appear to have hesitated in 1434 as Florentine chancellor to remain on in that position at a time when oligarchic forms had begun to nudge to one side more broadly participatory political practices. Or, again, the fact that Salutati, while positioning Florence as the defender not only of its own "liberty" but also of that of the surrounding north Italian territories, did not preclude the imposition on Pisa after its capture in 1406 of an essentially imperialistic governing regime and the denial to it of any internal autonomy. Emphasizing in his *Laudatio Florentinae urbis* (*Pangyric to the City of Florence, 1403–4*) that Florence had been founded by "the Roman people—the lord and conqueror of the entire world" and "at the very moment when the dominion of . . . [that] Roman people flourished greatly," Leonardo Bruni himself delineated the basic parameters of this imperialist republicanism, becoming in so doing, and as Hankins puts it, "the [very] Rudyard Kipling of the Florentine Empire."[49] Thus Leonardo stressed the significance attaching to the fact that the race of the Florentines had arisen from the people of Rome and that the Florentines had inherited the latter's God-given right to worldwide dominion over palm and pine. "No people in the entire world can be as worthy of dignity as the Florentines, for they are born from such parents who surpass by a long

way all mortals in every sort of glory." "For to you, . . . men of Florence, belongs by hereditary right dominion over the entire world and possession of your parental legacy." So that, in effect, "all wars that are waged by the Florentine people are most just."[50]

Again, one should also note the ease with which humanists like Vergerio or Angelo Poliziano could deploy the rhetoric characteristic of civic humanism in order to heap effusive praise on such as the Carrara family of Padua or Cosimo de Medici himself, whom they can scarcely have regarded as champions of republican liberty.[51] Finally, as Paolo Viti's studies of Bruni's extensive correspondence reveal, one should take due notice of the fact that in many of his letters the latter himself comes close to contradicting his own public proclamations of unswerving loyalty to the ideal of republican liberty.[52]

Such discrepancies have sometimes led historians to question the degree to which Bruni was really "sincere" in his effusive eulogizing of the liberty enjoyed by the Florentines. But the matter of personal "sincerity" or "insincerity," given the distinctive nature of humanist discourse, is probably beside the point.[53] Here, I believe, the practice of speaking in terms of discrete "political languages" that enjoyed a brief vogue among historians after the mid to late twentieth century linguistic turn in humanistic studies can be drawn fruitfully into play. Stressing "the interdependence of the propositional content of an argument and the language or discourse in which it is made," Anthony Pagden (quoting J. G. A. Pocock) argued in 1987 that "political languages are distinguishable language games of which each may have its own vocabulary, rules, preconditions and implications, tone and style" that "the historian has to learn to read."[54] While labeling such differing modes of discourse in general as "languages" may well run the risk of generating misleading intimations of incommensurability, so labeling the essentially humanistic Ciceronian/classical/rhetorical mode is, I am inclined to think, on balance helpful. It serves at least to remind us that the adoption of the humanist rhetorical mode in the effort to theorize the political involved more than the dressing up of old propositions in new and fashionable linguistic garb. Beyond that, it reflected different rhetorical goals, different intellectual sensibilities, perhaps even, in some degree, a novel way of thinking.

Respond to that cue and one is led to wonder if historians of Baronian persuasion may not have permitted themselves to be misled by taking at face value and as historically descriptive effulgent civic humanist justification, idealization, and praise of quattrocento Florentine civic life. For the civic humanists were skillful in their deployment of classical parallels and exempla in such a way as to convey the impression that the narrowly oligarchic governments of

their day were somehow the very embodiment of civic equality, republican virtue, and a broadly participatory political life.[55] What was involved, however, was "a normative discourse rather than historical description,"[56] and "Florentine republicanism as presented by Salutati and Bruni was a rhetorical artifact not necessarily in keeping either with their own private beliefs or the realities of the time." That discourse, in effect, was an epideictic rhetoric of praise and blame. The works of Bruni so often quoted with reference to the political commitments characteristic of civic humanism—his *Laudatio Florentinae urbis* and his funeral oration for Nanni Strozzi—are both of them classic examples of that rhetorical genre. Speaking in one of his letters, indeed, about the nature of the *Laudatio,* Bruni himself reminds us that

> History is one thing, panegyric another. History must follow the truth, Panegyric extols many things above the truth. . . . In civic panegyrics the speech is directed to those you wish to praise; the genre demands an audience, and brings together a multitude of people . . . to reap applause and benefit from hearing its own praises sung.[57]

The civic humanists were products of the rhetorical educational tradition and many of them were themselves professional rhetoricians to whom the epideictic rhetoric of praise and blame came quite naturally. But one has still to ask to what end their praises were sung. Here, I believe, considerable credence has to be given to the carefully framed argument John Najemy has recently mounted to the effect that while civic humanism was indeed the discourse of rhetoricians, it was something more than "merely professional rhetoric from the chancery." Further than that, it embodied something of "a new ideology," one that "provided cultural, educational, historical and moral buttressing for both the newly-established hegemony of Florence's elite families ["the wise fathers of the republic, devoted guardians of the best interests of all"] and for the subordinate political and social status to which the middle ranks of Florentine society ["their client/children"] were now relegated."[58] A "discourse of political virtue" was central to the successful advancing of this position. "Its purpose was to buttress the myth of civic unity, to promote the notion of the republic as a single harmonious entity."[59] And in that purpose it seems, in fact, to have succeeded. The civic humanist myth, that is to say, appears to have rooted itself firmly in the cultural soil of the Florentine quattrocento. The members of the Florentine ruling elite began, it seems, "to see themselves as the humanists portrayed them, as the heirs of Rome and the defenders of republican liberty, stability, and law,"[60] and an essentially republican language succeeded in maintaining itself in the teeth of oligarchic or despotic civic reality right down to the end of the century.

So far, then, as the course of Florentine history itself goes, subsequent events can be claimed to have vindicated at least a diminished and somewhat shadowy version of Baron's claim for the importance of civic humanism. But so far as the longer history of political thought is concerned, his fundamental claim that the events of 1400–1402 at Florence precipitated what amounted to a "Copernican revolution" in its established course must be judged to have foundered on the unforgiving rocks of what has to be recognized as a far more complex historical reality than he himself envisaged. That, of course, serves also to cast something of an inhibiting shadow athwart the postulation of any continuous history of "classical republicanism" embracing the works of Machiavelli and pointing ahead provocatively to the longer Anglo-American future.[61] And, the looming presence of that shadow duly acknowledged, it remains Machiavelli, inevitably, who must command our attention now.

Humanist Political Thinking in the Early Sixteenth Century (i): Machiavelli's *Il Principe* and *Discorsi*

Of the several works written by Niccolò Machiavelli (1469–1527) attention in this section will be focused primarily on his two great political writings *Il principe* (*The Prince*) and the *Discorsi sopra la prima deca di Tito Livio* (*Discourses on the First Ten Books of Titus Livy*).[62] After the restoration of the Florentine republic in the wake of the French invasion of Italy in 1494 and the expulsion of the Medici, Machiavelli, a minor aristocrat of humanist education, served the republic faithfully as second chancellor and, later, as secretary to the Council of Ten—both offices, in modern administrative parlance, essentially "staff" rather than "line" or decision-making positions. The second of them, however, did involve him, at the instance of Piero Soderini, the *gonfaloniere di giustitia,* in several important diplomatic missions abroad. His close relationship with Soderini, however, attracted the animosity of some of the latter's aristocratic enemies (they derided Machiavelli as "Soderini's lackey") and insured his dismissal when, in 1512, the republic collapsed, the Medici were restored, and Soderini fled into exile.[63] It was during the subsequent years of bitter exclusion that Machiavelli came to write his celebrated works. First, *The Prince,* a book of advice to princes on the ways and means by which they might succeed in retaining their office and, that basic goal attained, go on to achieve honor, fame, and glory. Written in the opportunistic if ultimately forlorn hope that it might facilitate his return to public office even under the Medici, it was completed by December 1513 and later dedicated to Lorenzo, son of Piero de Medici. Right at the outset

he states his intention of omitting the discussion of republics "because elsewhere I have discussed them at length."[64] The "elsewhere" in question would appear to be the *Discourses,* the writing of which has traditionally been viewed, therefore, as having been begun before *The Prince* was written but completed only in the years succeeding. The work has been described as "the most intensive and influential analysis of Republican political principles to appear in early modern Europe."[65] And while it does not exclude the possibility that the *vita civile,* or life under an orderly or constitutional form of government grounded in some measure on popular consent, *could* be achieved under a regime that was in fact monarchic, what it seeks to demonstrate is that it is in a republic that such a governmental form is most likely to be most fully achieved. Accordingly, by probing the exemplary history of republican Rome, it attempts to identify the prerequisites for the establishment and preservation from corruption of praiseworthy republics, and it indicates the grounds supporting his own preference (so far as the enlargement or narrowing in size of the body of citizens goes) for a *governo largo* rather than a *governo stretto.*[66]

Notwithstanding, then, the focus of *The Prince* and claims made periodically to the contrary, that Machiavelli himself harbored genuinely "republican" sympathies is not, I believe, to be gainsaid.[67] Baron, however, while eventually conceding that fact, remained to the end somewhat ambivalent about Machiavelli's precise placement in the history of political thought.[68] It was only with uneasiness and difficulty, by dint of redating *The Prince* and assigning it to an earlier "immature" phase in the development of Machiavelli's thinking, and by treating the *Discourses* as the work that was of truly historic significance that he was able to assign to Machiavelli a central role in the continuation of the republican tradition and to prevent "early *Quattrocento* civic humanism" from being seen as "little more than an episode" in the poignant history of republican decline.[69]

That he should have had such difficulty in arriving at that point is hardly surprising. After all, the recognition of the gulf that yawned between the enthusiastic republican mythmaking of the civic humanists and the grittily oligarchic or incipiently despotic realities of the early quattrocento Florentine civic scene did not have to await the contrasuggestible efforts of Baron's late twentieth-century critics. Centuries earlier Machiavelli himself had addressed the issue in his *Florentine Histories* when he sharply criticized as inadequate the treatment of the city's history prior to 1434 provided by the civic humanists Leonardo Bruni and Poggio Bracciolini. Taking as his own principal historical source the *Istorie fiorentine* of Giovanni Cavalcanti (a fierce critic of the early quattrocento Florentine regime) and

stressing “the political and ideological links that bound the civic humanists to its ruling oligarchy,” he had concluded that “what for Bruni had been the age of republican idealism and citizenship actually witnessed the corruption of republican institutions, the triumph of oligarchic factionalism, and the beginnings of the republic’s slide into a principate.”[70]

But if Machiavelli clearly disagreed with Bruni’s version of the particular stretch of history in question, he certainly shared the latter’s fundamental humanist conviction that human nature was essentially stable and unchanging and the concomitant commitment to the importance of historical study. Thus he saw the course especially of ancient history as having a significance that extended beyond its own immediate context and as having the potential to shape and inform our understanding of contemporary events as we struggle to make prudent choices amid the particularities and contingencies characteristic of the turbulent flow of time. In this respect, Machiavelli stands firmly within the rhetorical rather than the philosophical intellectual tradition. However “realistic” his discourse may appear to be, there is nothing “scientific” in any modern sense about his mode of theorizing politics. In the dedicatory letter to Lorenzo de’ Medici with which he finally prefaced *The Prince* he stated his wish to share with others what he had learned “in my lengthy experience with recent matters and my continual reading on ancient ones.”[71] Evoking felicitously the analogy of “the approved empirical medicine of the pre-scientific world,” Isaiah Berlin has described Machiavelli’s method as “a mixture of rules of thumb, observation, historical knowledge and general sagacity.”[72] But in that mixture historical knowledge unquestionably loomed large. In the *Discourses,* his principal political writing, he based himself not, as a scholastic thinker might have done, on a philosopher of note but on a Roman historian. His “historical and empirical method of political inquiry,” indeed, “underlines, and largely explains, his apparent lack of interest in some of the basic questions of classical and scholastic political philosophy—such as the role of justice in the state, the nature of law, the limits of political obligation, and the relationship between the temporal and spiritual power.”[73] His purpose instead, as he himself tells us in the introduction to the first book of the *Discourses,* was to focus attention on what was involved in “setting up states, in maintaining governments, in ruling kingdoms, in organizing armies and managing war, in executing laws among subjects, in expanding an empire,” and the like. For such are the matters about which “the examples of the ancients” have so much that is valuable to tell us if only we would cultivate a “true understanding of books on history.”[74]

In going about the task thus announced both in *The Prince* and the

Discourses, while Machiavelli proclaimed his resolve "to enter upon a path not yet trodden by anyone,"[75] he drew in fact upon the terminology of his day and deployed commonplace modes of argumentation drawing upon contemporary experience and the revered authority of the Roman past.[76] *The Prince* is cast, after all, in the form long since characteristic of the mirror of princes genre of advice to rulers in which he and such humanists of the later Renaissance as Francesco Patrizi had continued to write.[77] And the *Discourses* take the characteristically humanist form of a commentary upon a celebrated Roman text. There was much about the way in which he went about saying what he had to say that must have seemed quite familiar to his Italian contemporaries. And there must likewise have been much about the actual content of his works that was almost equally familiar. Efforts sharply to contrast *The Prince* and *Discourses* to the contrary, that has to be acknowledged as being true of both works. In his wish to locate Machiavelli in a continuous tradition of classical republicanism stemming from the early quattrocento civic humanists, Baron, it is true, came to a different conclusion. He did so by dint of an intricate line of argument that established, at least to his own satisfaction, that *The Prince* (which he described as a mere "pamphlet") had been written before any part of the *Discourses* and reflected an earlier and immature phase in Machiavelli's thinking. And that phase was to be wholly superseded in the later work. In so arguing, Baron was at pains to emphasize the contrast between the two works in a way that would probably have puzzled Machiavelli's contemporaries.[78] While it would be pushing the interpretative envelope a little too hard to claim (as some have)[79] that there is some sort of "fundamental unity" between the two works, they do indeed share the same set of moral values. The basic difference between them may ultimately extend no further than the differing goals to which they are oriented. In *The Prince* Machiavelli's focus is on the overriding goal of security, and the prince is exhorted "above all to 'maintain his state' and, that achieved, to set forth in the pursuit of honor, glory and fame." In the *Discourses,* however, the central focus is on the goal of attaining liberty. "It is this ideal, not that of mere security, which . . . [Machiavelli] now wishes to place above all other considerations."[80]

Whatever the case, and wherever one finally comes down on this much controverted issue, it remains true that many of the topics Machiavelli addresses in the two works, and not a few of the arguments he deploys, stem from, fit into, or are at least congruent with the long-standing tradition of political discourse at Florence into which, first as a student and then as a budding civil servant, he had long since been socialized. Garin has shown that, while the

comparatively intimate link between humanist ideas and political concerns evident at the Florentine chancery in the days of Salutati and Bruni had weakened somewhat across time, the practice of filling positions there with people of humanist education and commitments had continued right down into Machiavelli's own day.[81] In that respect, at least, he himself was not atypical. And that fact is reflected in the stance he adopted after 1512 when, extruded now from active engagement in political life, he turned his formidable intellect to analyzing the challenges posed by political life and to identifying appropriate responses to those challenges. We will see that he did, of course, strike out in some dramatically new directions. But his guiding presuppositions and central arguments reflected enough of the prevailing climate of opinion as to permit Quentin Skinner properly to locate the *Discourses* within the early sixteenth-century revival of republican theory at Florence and to describe *The Prince* as "a recognizable contribution to a well-established tradition of late quattrocento political thought."[82] Skinner himself having carefully teased out the pertinent strands of commonality and continuity,[83] I may limit myself here and by way of illustration to mentioning but four of them.

First, and after the Peace of Lodi (1454), which put an end to the series of wars that had got under way in the 1420s, and the subsequent extension of princely rule to almost the whole of Italy, Italian political thinkers had moved away from the earlier civic humanist concern with republican citizenship and had (understandably) come to address their treatises less to the body of citizens than to those princes who had firmly grasped the levers of power. In this respect, though it came with time to be more celebrated (or reviled) than any of the others, Machiavelli's *Prince,* as an advice book for the ruler, was of very much the same genre as the similar advice books written by such late quattrocento humanists as Francesco Patrizi, Giovanni Pontano, or Bartolomeo Sacchi.

Second, the writers in this genre had shifted, as did Machiavelli in *The Prince,* from the older focus on the liberty of the citizen to a more gritty preoccupation with the overriding need of the new prince to focus intently, in the interests of peace and security, on whatever measures it would take to avoid the loss of, retain, and "maintain his state" (*mantenere lo stato*).[84]

Third, to achieve that very basic goal, troops would be needed, and by insisting with great vehemence that it was "useless and dangerous" to rely as the Italian states had customarily done on mercenaries and auxiliaries, Machiavelli was treading in the footsteps not only of Aristotle but also of earlier humanists who had railed against the employment of mercenaries and had urged a return to the practice of

raising and fielding citizen armies. Thus Petrarch, Salutati, and, above all, Leonardo Bruni who had returned to the issue repeatedly.

In his *Laudatio,* indeed, dwelling on the military powers of the Florentines, Bruni had praised their devotion to liberty and their willingness "to lose money and life itself [in order] to maintain their freedom," and in his funeral oration for Nanni Strozzi he had sought to make clear "what a great difference there is between foreign soldiers and those fighting for the love of their city."[85] Machiavelli, then, is not only witnessing to his own political experience but also resonating to a long-standing humanist tradition when he urges the prince, if he is to avoid ruin, to depend on troops of his own, on "armies . . . made up to your subjects or citizens of your state, or of dependents," and insists that "without her own armies no princedom is secure; on the contrary, she is entirely dependent on fortune."[86]

This reference to fortune, personified as Fortuna, the ancient Roman goddess of luck *rediviva,* may serve as the fourth reminder of the continuities that exist between Machiavelli's political writings, the mirror of princes literature produced by other humanist authors of the late Renaissance, and the earlier tradition of humanist discourse at large. Medieval authors as late as Dante himself had tended to blend the notions of fortune and divine providence. Humanists, however, like Petrarch, Poggio Bracciolini, and others, had revived the classical notion of Fortuna as an inexorable and capricious force limiting, controlling, and sometimes overwhelming the human ability to achieve great things through action. At the same time, they had reinvigorated the countervailing classical belief that Fortune smiles on the brave and that the man of virtue, the *vir virtutis* can, by his innate qualities combat her willfulness, tame her capriciousness and even, in pursuit of honor and glory, enter into alliance with her. Garin characterizes the notion that *virtù vince fortuna* (virtue triumphs over accidental luck) as "the typical motif of the Renaissance."[87] It is certainly a motif evoked repeatedly by Machiavelli, as in the celebrated twenty-fifth chapter of *The Prince* where he likens fortune to "one of our destructive rivers" whose turbulence may be channeled and modified by "dykes or embankments," or to a woman who will let herself be mastered by those who "cuff and maul her." Or, again, in the *Discourses,* where he takes issue with the views of Plutarch and Livy and argues that the Romans gained their empire not simply by good fortune but by virtue of the fact that "mixed with their fortune" were "the utmost ability and prudence."[88]

It is in this very connection, nonetheless, that Machiavelli can be seen beginning to part company with the humanist tradition at large as well as with the viewpoint embedded in the humanist mirror of princes literature of his own day. He does so in such a way as to

vindicate at last the boldness of his initial claim that he would be entering upon "a path not yet trodden by anyone."[89] One of the distinguishing features of that path was his adamant insistence on focusing on things as they are rather than things as one might like them ideally to be. Due account had to be taken, or so he firmly believed, of the evil and "envious nature of men" (*la invida natura degli uomini*), their tendency rather "to blame than to praise the doings of others,"[90] and the compelling need, therefore, to recognize how very important was the ability to deploy force or organized violence in the pursuit of political ends. Hence, in both *The Prince* and the *Discourses,* the remarkable amount of attention he pays to armies, their nature and effectiveness, and to the compelling need for those charged with responsibility in matters political to be able to exert effective military leadership. And it is at this point that there comes into play the novel meaning that Machiavelli attaches, in the *Discourses* no less than the *Prince,* to the pivotal notion of *virtù.*

It had been nothing less than a cliché in the mirror of princes literature of the day for humanists like Francesco Patrizi to insist on the importance attaching to the princes' possession of *virtù.* But central to *their* understanding of what that meant was the possession by the ruler of the full array of conventionally honored Christian and classical moral virtues: the great cardinal virtues of prudence (or wisdom), justice, temperance, and fortitude, married, of course, to the Christian characteristics of faith, religion, and piety, and supplemented by the more civic virtues that it was proper for the princes and kings to cultivate. Notable among these last were clemency, generosity, magnificence, honor—with truthfulness, lack of deceit, and the faithful keeping of promises once given being seen as residing at the very heart of honor. "Virtue," in effect, in a recognizably traditional sense.[91]

This traditional understanding of *virtù* Machiavelli abruptly rejected. Thus in the crucial fifteenth chapter of *The Prince,* he affirmed that it was his intention to "depart very far from the methods" of the commentaries that had gone before. If their authors had been content to fancy "for themselves republics and principalities that have never been seen or known to exist in reality," he himself was determined, to the contrary, to

> concern myself with the truth of the matter as facts show it rather than with any fanciful notion. . . . For there is such a difference between how men live and how they ought to live that he who abandons what is done for what ought to be done learns his destruction rather than his preservation.

The prince, accordingly, in order simply to survive, "must acquire the power to be not good" and should not worry about incurring reproach

"for those vices without which he can hardly maintain his state." Deceit, promise-breaking, severity, outright cruelty—all of these he may need to indulge. In effect, he will often be "forced, in order to keep his position [*mantenere lo stato]* to act contrary to truth, contrary to charity, contrary to humanity, contrary to religion."[92]

Hence the difficulties attendant upon any attempt to transliterate *virtù,* the word he deploys with such frequency in the *Discourses* no less than in *The Prince.* In his poem *Italia mia,* a stanza from which Machiavelli appropriates as the concluding words of *The Prince,* Petrarch had used the word *virtù* to connote both moral virtue and powers of a political and military nature.[93] While endorsing the latter connotation, however, Machiavelli bracketed or dismissed the former. Indeed, he seems to have viewed it as simply incompatible with the latter. That duly noted, it has to be acknowledged that there is a certain fluidity in his use of the term. So far as the overcoming of Fortuna, luck, or contingent circumstance is concerned, the term (as he uses it) seems capacious enough to embrace both "human foresight and impetuous violence."[94] If, in his *Art of War* (*Dell'arte della guerra*), a work largely unnoticed today but widely read in Machiavelli's lifetime, *virtù* is infrequently attributed to individuals,[95] in *The Prince* it stands out as the attribute most important for a prince (and especially a *new* prince) to possess. While endorsing, however, "the conventional assumption that *virtù* is the name of that congeries of qualities which enables the prince to ally with Fortune and obtain honor, glory, and fame, . . . he divorces the meaning of the term from any necessary connection with the cardinal and princely virtues." Instead, he insists that the defining characteristic of a truly *virtuoso* prince will be a willingness to do whatever necessity dictates (whether wicked or virtuous) if he is to attain his highest ends. *Virtù,* accordingly, comes to denote precisely that requisite quality of moral flexibility in a prince. For "he must have a mind ready to turn in any direction as Fortune's winds and the variability of affairs require."[96] And in the *Discourses,* concerned in that setting, as Machiavelli is, with the sort of liberty from internal tyranny no less than external domination that is found quintessentially in republics which govern "themselves by their own judgment," he goes on to portray *virtù* as an attribute not only of great leaders but also, collectively, of the whole citizenry.[97] It is an attribute the presence of which in the people is altogether necessary if they are to retain their liberty. Should their *virtù* weaken, so, too, will their grasp on liberty. If, in its absence, as private interests come to trump the common good, they lapse into corruption and their republic is condemned to degeneration, they will likewise be condemned to losing their purchase on greatness.[98]

Rome, he reminds us, rose to greatness not simply because she was

blessed by Fortune (though of course she was) but also because her people were possessed of *virtù* in extraordinary degree and "mixed with their fortune the utmost ability [*virtù*] and prudence." And she long endured in that greatness because she succeeded in maintaining that *virtù* "for so many centuries."[99] For that remarkable longevity, Machiavelli claimed, two things were responsible. First, the possession of institutions that had the effect of organizing the citizenry in such a way as to make them into a "well-ordered" whole and, a particular aspect of that ordering, the educative value of good laws that encouraged in citizens the acquisition and retention of *virtù* by compelling them to give priority over their own private interests to the common good of the entire community. "Men," he observed, given the wickedness of their spirits, "never do anything good except by necessity," and if they can be made industrious by "hunger and poverty," it is "the laws [that] make them good."[100] Second, in Durkheimian vein and in some ways a subset of the first, one must not overlook the impact of religion "in controlling the armies, in inspiring the people, in keeping men good, in making the wicked ashamed." Almost at the very outset of the Roman republic Numa Pompilius had "turned to religion as something altogether necessary if he wished to be able to maintain a well-ordered state." And the subsequent history of Rome attests eloquently to the importance of religion in ensuring that the *virtù* of the people remained strong. For respecting "the power of God more than that of men," Romans were moved by a salutary fear of breaking the oaths they had taken. Religion, moreover, "caused good laws" and it was unquestionably "among the chief reasons for the prosperity" of the republic. Indeed, if "the observance of religious teachings brings about the greatness of states, so contempt for it brings about their ruin." "One can have no better indication of the ruin of a country than to see divine worship little valued."[101]

About this intriguing argument a couple of things should be noted. In the first place, that although Machiavelli uses the word "religion" in rather universal (if sloppy) fashion, the specific religious pattern he clearly has in mind is something akin to the civic cult of Rome, and his understanding of religion would appear to have been entirely instrumental. To the truth or falsity of the religion in question he appears to have been sublimely indifferent. What moved him, rather, was the capacity of religious sentiment, even if grounded in nothing more noble than outright terror, to promote the *virtù* of a people and to make straight thereby the path to republican greatness. So far as the rulers of a state are concerned, they would do well "to accept and magnify . . . whatever comes up in favor of religion, even though they think it false."[102] The sole criterion by which the desirability of any given religion is to be gauged is its capacity to promote civic

greatness. In terms of that criterion he found the Christianity of his day and the Roman church that headed it more than sorely lacking. It had lost, he said, "all piety and all religion," had introduced "countless evils and countless disorders," had kept Italy divided and had rendered her prey to the "powerful barbarians from beyond the Alps."[103] And the second thing to be noted cuts much deeper. It is substantive in nature and concerns the very values a religion is expected to promote. Here comes clearly into play the gulf that yawns between the traditional Christian virtues and the *virtù* (whether of prince or republican citizenry) that Machiavelli firmly believed to be crucial to the flourishing of a well-ordered state. On that matter the same spirit informs the *Discourses* as had informed the infamous chapters 15 to 18 of *The Prince,* chapters in which he had emphasized that in public life the need to preserve the state and to foster and maintain its greatness must necessarily trump any slavish adherence to the canons of right and wrong that normally prevail in private life. Men being more prone to evil than good the "prudent intellect" will never "censure anyone for any unlawful action used in organizing a kingdom or setting up a republic." It is no more than "fitting that though the deed accuses him [the ruler], the result should excuse him," just as Romulus was excused for murdering his brother. Indeed,

> when it is absolutely a question of the safety of one's country, there must be no consideration of just or unjust, of merciful or cruel, of praiseworthy or disgraceful; instead, setting aside every scruple, one must follow to the utmost any plan that will save her life and keep her liberty.[104]

Over the years, Machiavelli's startlingly distinctive moral stance has been variously interpreted. For many, in earlier centuries at least, it rendered him something of a satanic figure, a "teacher of evil," the "prince of atheists," at the very least a man "indifferent to distinctions between just and unjust."[105] Of more recent years, however, and especially so in the wake of Benedetto Croce's influential take on the matter in the early twentieth century, his stance has often been seen (and less heatedly) as a simple and forthright assertion of "the autonomy of politics," its emancipation from the sway of ethics, its secession from the realm of religion, and its clear-sighted grasp of the fundamental fact that political necessity and the actions it calls for will inevitably bring any statesman worth his salt into conflict with the traditional norms of Christian morality.

In that it appears to recognize the fact that Machiavelli himself in no place denies the validity of those traditional moral norms (the very adjectives he uses to describe a ruler's evil, wicked, and immoral actions testify to the contrary), this interpretation can lay claim to a measure of plausibility. Such, indeed, is the standing of those norms,

and so widely admired are the good qualities in a prince that are congruent with them, that Machiavelli concludes that it is necessary for that prince "to *appear* to have them." That is to say, he must appear "to those who see him and hear him talk, all mercy, all faith, all integrity, all humanity, all religion." Beyond that, indeed, he is even willing to say that it would be most "praiseworthy" for a prince actually to "possess" such qualities and to behave in accordance with them.[106] Always supposing, of course, that in order to avoid destruction "among so many who are not good" that prince recognizes in all sobriety that in order "to hold his position, [he] must acquire the power to be not good, and understand when to use it, and when not to use it, in accord with necessity."[107]

A plausible enough interpretation, then, but missing as it does the truly radical nature of Machiavelli's originality, it is not in the end a convincing one. Or so Isaiah Berlin claimed in a characteristically perceptive essay. He did so, I believe, correctly, and in the concluding remarks that follow it will be my purpose simply to convey, if only in outline form, the gist of the case he makes.[108] Rather than merely involving the emancipation of politics from the sway of ethics or religion, Machiavelli's position constitutes, Berlin argues, a much more profound break with the age-old moral vision that informs the Christian tradition. What he is suggesting is not simply an incompatibility between, "on the one hand, morality, the region of ultimate values sought after for their own sakes . . . and, on the other, politics—the art of adapting means to ends—the region of technical skills." Far from it. The political values on which Machiavelli insists, rather than being merely instrumental, are ultimate values, and they are moral in nature. What they involve is "the welfare of the *patria,* . . . for him the highest form of social existence known to man," an ideal on behalf of which, he firmly believes, great sacrifices can properly be called for. He is led, therefore, Berlin says, to postulate the existence of "two incompatible ideals of life, and therefore two moralities." One of them is Christian morality, with its ideals of "charity, mercy, sacrifice, love of God, forgiveness of enemies, contempt for the goods of this world," and the like. The others are the older pagan moral values, with "courage, vigour, fortitude in adversity, public achievement" looming large. The latter were the values which Livy had seen embodied in the old Roman republic and the values for which Machiavelli could not conceal his admiration.

For him, obsessively concerned as he was with the survival of the principality or republic and its purchase on greatness, the conventional morality of his day, its Christian roots notwithstanding, appears to have struck him as patently inferior to the civic virtues of the classical era. He had made his choice, and it was a choice between

these two incompatible, indeed incommensurable moralities or sets of values. Others would have to choose for themselves, and they would have to do so, it seems, in the absence of any "single universal overarching standard" or "infallible measuring rod" which alone could have rendered possible an exercise of choice that was truly *rational.*

Such was the startling conclusion upon which, in Berlin's view, Machiavelli appears to have stumbled. If he never explicitly formulated it as such, it is certainly implicit in what he had to say. That it constituted so radical a break with the age-old and foundational Western moral tradition might lead one to expect that it would have occasioned in its author some discomfort, a measure perhaps of profound unease, a sense, even, of agony or anguish. But there is no evidence in his writings to suggest that with Machiavelli that was even remotely the case. As Berlin puts it, "he seems wholly unworried by even scarcely aware of" having abandoned "one of the foundations of the central western philosophical tradition, the belief in the ultimate compatibility of all genuine values." And that that should be attests alike to the startling nature of his originality—at once both casual and profound—and to the limitations, philosophically speaking, of his stature as a thinker.

Humanist Political Thinking in the Early Sixteenth Century (ii): Erasmus and Thomas More

By the time Machiavelli wrote *The Prince* and the *Discourses* the humanist education and educational mode prevalent in Renaissance Italy had come via a complex amalgam of indigenous factors and intellectual interchange with Italy to root itself in the cultural soil of Spain and, to the north of the Alps, in France, Germany, and England.[109] And it is commonly taken to have flourished most vigorously in those transalpine regions during the half century stretching (roughly) from 1490 to 1540. Long before that time, with the extinction of republican aspirations in Florence and Rome and the stabilization, intensification, and extension of princely rule throughout the greater part of Italy, the tradition of Italian republicanism had petered out. It had done so under conditions that had prompted even in a man of such qualified republican sympathies as Francesco Guicciardini (d. 1540) a sense of despair over the unfathomable tyranny of Fortuna. As he sat down, then, toward the end of his life to write his *History of Italy,* "the strongest, most permanent impression" it was "meant to impart," Felix Gilbert has said, was "that of the hopelessness and impotence of men in the face of fate."[110]

Under such changed and unpromising circumstances it is readily

comprehensible that the cultural winds that helped transport humanist intellectual and educational norms into the transalpine regions do not appear to have borne with them any seeds or spores of the republican sentiment that some of the Italian civic humanists had once been so anxious to celebrate. Even had such seeds found their way northward they would have fallen on stonily monarchical ground.[111] It is not surprising, then, that along with advice books addressed to courtiers and royal officials, multiple treatises in the *speculum principis* mode dominated the political writings of humanist provenance produced in the transalpine world. These latter ranged from treatises produced in France by Guillaume Budé and Josse Clichtove in 1519 to comparable "mirrors" produced in Germany and Spain by Jacob Wimpfeling (d. 1528) and others and by Juan de Mariana as late as 1599. None surpassed, however, the earlier *Institutio principis Christiani* (*The Education of a Christian Prince*) which Desiderius Erasmus, doyen of transalpine humanists, had written in 1516 for the future emperor Charles V.[112]

This last, exceedingly influential, treatise witnesses in powerful and representative fashion the degree to which the political thinking characteristic of the transalpine humanists can appropriately be regarded as "an extension and consolidation of a range of arguments originally discussed in *quattrocento* Italy."[113] Thus although he declares monarchy to be the "best form" of government and, in the absence of a prince "who is complete in all good qualities," that monarchy is "checked and lessened by aristocracy and democracy,"[114] Erasmus focuses less on the *institutions* of the *respublica* or commonwealth than on the *virtues* possessed by the ruler, as well as the role of an appropriate education in inculcating those virtues and of prudent counselors in reinforcing them. The virtues in question are the traditional ones inculcated by a Christian education, for "the teachings of Christ apply to no one more than to the prince." It is nothing other than his dedication to the common good rather than concern for himself that distinguishes a king from a tyrant. Wisdom, kindness, beneficence, the "highest moral integrity," the keeping of his word, "self-restraint, seriousness and alertness—these are the characteristics that will win for him honor and authority." "There can," in effect, "be no good prince who is not also a good man."[115] Although Machiavelli's *Prince* was not to be published until 1532, in 1516 Erasmus had firmly rejected in advance any "Machiavellian" invocation of *raison d'état.* Should the prince, he said, be unable to defend his realm "without violating justice, without wanton loss of life, and without loss to religion," then he must concede. For, public scorn to the contrary, "it is far better to be a just man than an unjust prince."[116]

Given the clarity of this last assertion, it is not surprising that Erasmus turns out to have been at odds, too, with Machiavelli's attitude toward warfare. And on that same matter he was at odds also with the attitude characteristic of the broader group of quattrocento humanists for whom the bearing of arms was an integral part of civic duty and an accepted aspect of the vindication of civic honor, fame, and glory. For Erasmus, in contrast, "from war comes the shipwreck of all that is good and from it the sea of all calamities pours out." "The good Christian prince," accordingly, should "always lean toward that glory which is not steeped in blood nor linked with the misfortune of another." He "should never go to war at all unless . . . he cannot possibly avoid it and should hold under suspicion every war, no matter how just."[117] This sort of departure from quattrocento humanist attitudes and ideals is even more marked in those sixteenth-century English writers of humanistic sensitivities who focused not simply on kings and counselors but also, and more generally, on what they saw as failings in the commonwealth at large that called urgently for reform. Outstanding among this particular group of writers (if, indeed, one can speak at all of a coherent group)[118] was Erasmus's friend and fellow humanist of continent-wide reputation, Sir Thomas More.[119]

Born in London, probably in 1478, More lived and worked in the city or its vicinity for his entire life until he was executed on Tower Hill on July 6, 1535, for having allegedly "falsely, traitorously and maliciously" conspired to deprive Henry VIII of his newly acquired title of "Supreme Head on Earth of the Church of England." Educated in humanist circles at Oxford and, later on, in London and having trained at the Inns of Court and been admitted to Lincoln's Inn, he chose to follow in his father's footsteps as a lawyer. He had built up a distinguished legal career before entering into public and, eventually, royal service as a member of parliament, as undersheriff of London, royal councilor, undertreasurer of the Exchequer, chancellor of the Duchy of Lancaster, Speaker of the House of Commons, de facto secretary to the king, and, finally, after Cardinal Wolsey's fall from royal grace in 1529, for three years lord chancellor of the realm.

If his was a tragic death, his was also a life of extraordinary achievement. And not least among his achievements was the fact that, at the age of thirty-seven or thirty-eight he wrote the classic work that was to establish his reputation among continental humanists. Begun in the Netherlands while he was there on an embassy charged with negotiations concerning the wool and cloth trade, it was finished upon his return to London in 1516.[120] Though convention has long since dictated that it would be pedantic to refer to the work by any title other than *Utopia,* it was in fact entitled *De optimo reipublicae statu*

deque nova insula Utopia (*The Best State of a Commonwealth and the New Island of Utopia*), and the priorities signaled by that title may well be pertinent to the interpretation of what has proved to be a challengingly enigmatic and puzzling work.[121]

The *Utopia* consists of two books, and while accepting Erasmus's general account of the order in which they were written, J. H. Hexter made a persuasive case on the basis of evidence internal to the text itself for believing that the introductory pages of book 1 were written in the Netherlands at the same time as the "Discourse on Utopia," which occupies the bulk of book 2. And he argued, further, that what More added after his return to London was the heart of book 1 (often referred to as the "Dialogue of Counsel") as well as the peroration and conclusion to book 2.[122] The purpose of the brief introductory section to book 1 is clearly to provide the necessary background details needed to make what follows in book 2 fully intelligible. Thus we are told that while More was in Bruges on diplomatic business he took the opportunity to visit Peter Giles in Antwerp, where the latter introduced him to a seasoned traveler Raphael Hythlodaeus. The latter, portrayed as having accompanied Amerigo Vespucci to the Americas, had, in the course of further explorations, purportedly came across and for several years lived in the island nation of Utopia. He was then drawn into discussing that commonwealth, and it is that discussion which makes up most of book 2.

Having begun with a geographical description of the island and having discussed Utopia's mode of government (basically republican though possessed of a form of "mixed" constitution reminiscent of the Venetian),[123] Hythlodaeus goes on to dwell on its mode of dispensing justice (few and simple laws, no lawyers, few fixed penalties for criminal acts, possibility of rehabilitation), its social practices (uniformity of dress, communal dining, six-hour workday, use of leisure for intellectual pursuits, public provision for medical attention and care of the aged, no absolute prohibition of divorce or of suicide for the terminally ill, etc.), its attitude toward war (not totally precluded but viewed with abhorrence; avoided whenever possible; pursued when unavoidable with guile, cunning, and via the deployment of mercenaries rather than Utopian citizens), its characteristic philosophy (a species of gentle hedonism), its religion or cluster of related beliefs and practices (marked by a tolerant pluralism but converging on the conviction that the world is ruled by divine providence rather than chance and that the soul is possessed of immortality), above all, its socioeconomic substructure (distinguished among other features by a species of communism and marked by the absence of money, individual property, and private wealth).

After a more detailed perusal of the "Discourse," the overall

impression one is left with is that of having encountered a singular, loosely organized, and somewhat perplexing jumble of Utopian practices and characteristics: prescription, for example, of eight hours of sleep every night, requirement that houses be exchanged and reallocated by lot every ten years, strict prohibition of premarital sexual intercourse, proscription likewise of travel outside one's district without permission from the authorities, encouragement of assassination in the case of enemy leaders responsible for plotting aggression against Utopia. And so on. One's perplexity is deepened, moreover, by the degree to which description is punctuated by moments of irony, as well as by the difficulty of deciding, at points in the "Dialogue" when the figure of Morus disagrees on some point with Hythlodaeus, which viewpoint (if either) we are supposed to take as representing the author's own thinking. But the new material that More, after further reflection back in London, inserted into book 1, as well as the title he chose finally to attach to the whole work, do go some way toward easing the interpretative burden. Thus, mention of the island of Utopia itself having been consigned to a subtitle and the central emphasis placed on *The Best State of a Commonwealth,* More may reasonably be supposed to be signaling thereby that the latter is what his work is about.[124] And the particular issues he chooses to emphasize in the "Dialogue on Counsel" inserted in book 1 also give us some pointers in the direction of the matters that were weighing most heavily on his mind after he had lost the unaccustomed leisure that had been his in the Netherlands and had returned once more to the unrelenting and dispiriting grind that went with his official duties in London.[125] "In a way," and as Hexter appropriately emphasizes, "what More wrote in London is his own judgment on what he wrote earlier in the Netherlands."[126]

In this respect, both the exclusions and inclusions are revelatory. Thus neither the Utopian philosophy of life nor its characteristic religious inclinations appear at this stage to have been near the forefront of More's thinking. Nor, for that matter, were the precise military practices the Utopians were prone to pursuing, though the Utopian abhorrence of war is certainly pertinent to what he has to say. What do seem to have been weighing heavily on his mind, however, were the gross inequities and barbarities embedded in the English penal system, the wrenching inequalities that characterized contemporary society, the exploitation of ordinary people by the nobility and the rich that nudged so many into abject poverty and others into life-threatening criminal activity, indeed the whole chivalric culture that other humanists were willing to endorse but that More (via Hythlodaeus) did not hesitate to condemn. And, of course, as he himself was at the very moment trying to decide whether or not

to yield to Wolsey's importuning to enter into the royal service, what was also on his mind was the old humanist topos of the choice between *otium* and *negotium,* the life of withdrawal into scholarly and intellectual contemplation and the active life of public service that directed intellectual talents to the good of the commonwealth. So that, on this last topic it seems, More was using "a fictitious dialogue . . . to talk to himself . . . about the problem most immediately before him for decision—the problem of counsel."[127]

The "Dialogue on Counsel" is, however, something of a complex piece of business encompassing not only the primary dialogue involving Hythlodaeus, Peter Giles, and Morus (i.e., the More figure) but also a subsidiary dialogue reported by Hythlodaeus and involving his exchanges with Cardinal Morton and three other interlocutors. These last are identified, respectively, as "a layman, learned in the laws" of England (54–55), "a parasite standing around, who liked to play the fool, and did it in such a way that you could hardly tell him from the real thing" (76–77), and "a certain friar, a theologian" (78–79). The discussion of three of the issues raised takes place within this subsidiary dialogue, and Hythlodaeus's point of view, in one instance obliquely echoed by Cardinal Morton (74–77), is but weakly contested by the lawyer and/or the fool. In these cases it seems clear that Hythlodaeus is serving as the mouthpiece for More's own views.

Thus, on the first of the three issues, the gross inequities and barbarities embedded in the English penal system, Hythlodaeus's primary focus is on "the rigid execution of justice," the "severe and terrible punishments . . . enacted for theft," involving, as in the case of murder, the imposition of the death penalty. It "goes beyond the call of justice, and is not in any case for the public good. The penalty is too harsh in itself, yet it isn't an effective deterrent" (56–59, 62–71). "Harsh and severe" though the Law of Moses was, "it punished theft with a fine not death." England would do far better, or so Hythlodaeus thought, to adopt the practice of the Polylerites, a people whom he had encountered on his Persian travels. Among that people, thieves were forced, first, to make restitution to the owner from their own possessions and then sentenced to hard labor on public projects. For the aim of punishment, after all, is "to destroy vices and save men." Rehabilitation, if you wish, rather than retribution (68–79).

In the second place, Hythlodaeus argues, it is surely important to look beyond the crimes themselves and just modes of punishment for them to the conditions which give rise to criminal behavior and which, if ameliorated, could well reduce its incidence. It would surely be "better to enable every man to earn his own living" than callously allowing people to be "driven to the awful necessity of stealing and then dying for it." Too many of the nobility "live idly like drones off

the labour of others," "bleed [their tenants] . . . by constantly raising their rents," or, beyond that, not content with "the old rents that the land yielded to their predecessors," eject those tenants without any just recourse, enclosing the land and turning it over to sheep so that, in a sense, the latter "have become so greedy and fierce that they devour human beings themselves." Depopulation, homelessness, unemployment, vagrancy, and crime inevitably follow upon such gross inequities perpetrated on the poor by the insatiable greed of the rich (56–57, 62–65).

Third, an overlapping point, the further degree of social dislocation caused by the sinister backwash of war and of the bellicose ambitions of European rulers and noblemen constantly preoccupied with the preparation for war. To start with, the disabled veterans who return from civil and foreign wars, "men who have lost limbs in the service to the common good of the king, . . . too shattered to follow their own trades and too old to learn new ones" (56–57). Or the "pestiferous plague" of "foreign mercenaries," as in France, imported in peacetime, it may be, on the off chance that war *might* break out (58–61). Or, again, their equivalent in England, the "flocks of idle retainers kept by the nobility as professional soldiers," men who, lacking a war to fight, "turn out to be enterprising robbers" who "trouble and disturb the peace" (58–61).

Another two of the issues in the "Dialogue of Counsel" are explored, however, in the principal rather than the subsidiary dialogue, and in both cases the Morus character mounts more convincing objections to Hythlodaeus's position. In the first case, the issue being the choice between the *vita contemplativa* and *vita activa,* Hythlodaeus argues at length that it would be useless for him to direct his talents toward a life of public service on the grounds that "there is no place for philosophy in [the] council of kings." Hence (here echoing Plato), "wise men are right in keeping away from public business" (94–95, 100–101). But here it seems clear that the opposed position, defended by Morus, aligned as it is with More's later decision to enter the royal service, is the one that reflects his own personal convictions. And the argument Morus advances in support of his position may serve also, I believe, to cast some light on the much-contested issue of where More himself really stands in relation to the second matter on which, in the principal dialogue, Morus contends with Hythlodaeus: namely, the matter of Utopian communism.[128]

It should be noted that on the issue of counsel, the responsibility of intellectuals with respect to political life and public service, Morus is represented as having conceded some ground to Hythlodaeus and as having carved out a position less abstract and pure, more complex and contextual, than the latter's. Thus he acknowledges that the

abstractions of “school philosophy, which suppose every topic suitable for every occasion,” have “no place” in “the councils of kings.” But

> There is another philosophy, better suited for the role of a citizen which takes its cue, adapts itself to the drama in hand and acts its part neatly and appropriately. This is the philosophy . . . to use . . . in the councils of princes. If you cannot pluck up ideas by the root, or cure long-standing evils to your heart’s content, you must not therefore abandon the commonwealth. Don’t give up the ship in a storm because you cannot hold back the winds. . . . Instead, by an indirect approach, you must strive and struggle as best you can to handle everything tactfully—and thus what you cannot turn to good, you may at least make as little bad as possible. For it is impossible to make everything good unless all men are good, and that I don’t expect to see for quite a few years yet. (94–97)

He is speaking here, in effect, of “the need to accommodate [abstract] philosophical ideals to the exigencies of practical politics,”[129] and it is reasonable to assume that he sees that need as present also when it comes to the property arrangements that do so much to define the character of a commonwealth.

For Hythlodaeus, endorsing on this matter, it would seem, the practices of the Utopians, the evils, injustices, and inequalities that plagued contemporary European societies would never be eliminated unless an axe were taken to the very root of the greed and pride from which they sprang. That root was nothing other than the very institution of private property itself. “Pride measures her prosperity,” he says, “not by what she has but by what others lack.” She is “a serpent from hell that twines itself around the hearts of men” and holds them “back from choosing a better way of life” (246–47). What lay at the very heart of his endorsement of Utopian communism was the inexpugnable belief that “it is hardly ever possible for a commonwealth to be just or prosperous—unless you think that justice can exist where all the best things of life are held by the worst citizens, or suppose happiness can be found where the good things of life are divided among very few, . . . and where the rest are utterly wretched” (100–101).

This line of argument leaves both Morus and (I believe) More himself utterly unpersuaded. Among the laws and customs which Hythlodaeus described as existing among the Utopians “not a few,” confesses Morus, “were really absurd,” not least among them what constituted the very “basis of their whole system, that is, their communal living and their moneyless economy.” Among other things, he (Morus) could not “even conceive of an authority existing among men who are not distinguished from one another in any respect” (246–47, 104–5). At the same time, however, and the likelihood of dissent duly noted, he freely confesses in the words that conclude the

book “that in the Utopian commonwealth there are many features that in our own society I *would wish rather than expect to see*” (248–49, italics mine). It seems appropriate, then, to endorse Bradshaw’s suggestion that by conjuring up the fiction of an ideal Utopian commonwealth marked by justice and equality, so vastly different from the chastening realities of European political and social life, what More was in fact doing was affirming “a cluster of values . . . by appeal to which . . . [he] was enabled to expose the moral bankruptcy of the contemporary practice of government.” And that is to say that Utopian practice was being evoked “not as a blueprint for precise replication, but as a rhetorical device designed to affirm a set of values which serve both to undermine the credibility of conventional European practice and to provide a moral basis for its reformation.”[130]

All of that duly noted, no one who essays an interpretation of so enigmatic a work as *Utopia* can fail, of course, to be chastened by the potential for disagreement or daunted by the extraordinarily wide swinging of the interpretative pendulum across the past four centuries and more. But one can draw some comfort from the fact that with the publication in the 1960s of the first critical edition of More’s complete works,[131] the body of scholarship that that event helped foster, and the more refined interpretative mode it at last made possible, the acceptable range of the interpretative arc has narrowed. No one today is likely to call into question More’s credibility either as a humanist of distinction or as a Catholic of deeply traditional piety and sternly consistent orthodoxy. Nor is anyone likely either to claim *Utopia* as a work descriptive of a society actually existing in the Americas[132] or as nothing more than a humanist *jeu d’esprit,* a work of inconsequential fantasy if unquestionable charm. But, looking back at the centuries-long interpretative history of the book, one cannot help being struck by the extent to which—in this, like Machiavelli’s *The Prince*—it has functioned as a sort of literary Rorschach *inkblot* figure wherein, over the course of time, successive interpreters have been moved to discern the looming outlines of the subsequent and disparate commitments prevalent in their own eras.

Thus, so far as *The Prince* is concerned, it has proved possible to read it as a work of demonic malevolence or, more light-heartedly, as a clever piece of political satire,[133] as a dispassionate mirror reflective of the vicious nature of sixteenth-century Italian politics or as a passionately idealistic piece of advocacy for Italian nationalism, as an ethically neutral work of objectively scientific political analysis or as one devoid alike of scientific and historical sense, as a *vade mecum* for statesmen or as a handbook for gangsters. And so on.[134] While, in comparable fashion, *Utopia* has been read as a literal description of a remote commonwealth somewhere in the Americas or as “wittie” or

"jollye invention"[135]—a comparatively insignificant work of humanist fantasy, as the manifestation of a species of proto-Benthamite utilitarianism, as a work of profound skepticism about the very possibility of the type of social amelioration later to be canvassed by such "commonwealthmen" as Starkey and Crowley, as a prototype for later justifications of British imperialism, as an anticipation of Owenite socialism or even Marxist communism,[136] or, indeed, as none of the above but simply a characteristic expression of the social and political views that enjoyed wide circulation among transalpine humanists at large. There is little reason to assume that either *Utopia* or *The Prince* will cease to play this intrinsically diverting though interpretatively confusing inkblot role, and one must be prepared to recognize that fact. But while recognizing it, one should also resonate sympathetically to the claim that "whichever modern interpretation is accepted," Utopia will still be recognized as "a work of genius"[137] and a quintessential exemplar of the distinctively humanistic mode of theorizing the political.

4. The Politics of Sin

From Aegidius Romanus, Fitzralph, and Wycliffe to Luther, Zwingli, Calvin, and the Radical Reformers

WHILE IT HAS LONG been customary to see intellectuals of humanistic education in the fourteenth and fifteenth centuries as having been at odds with those contemporaries who resonated, rather, to scholastic modes of thought, it has to be recognized that so far as political thinking was concerned, they often had more in common than one might at first suspect. Both, that is to say, were often prone to viewing the political community in naturalistic and positive terms, as in some sense a school for character, as the arena wherein man might fulfill his moral potentiality and reach out to attain a life of (this-worldly) virtue. Both, certainly, contrived to nudge to one side the older, more negative, patristic, and quintessentially Augustinian understanding of political subordination as a state not natural to humankind, as the outcome, rather, of man's primordial fall from grace, and political authority, accordingly, as in its very essence a divinely ordered punishment and remedy for sin. Similarly qualified, in one way or another, was the related (if less clearly formulated or commonly shared) patristic tendency to assume that in the primitive state of innocence all things were held in common so that private property was "really another disciplinary institution intended to check and counteract the vicious dispositions of men."[1] Effectively bracketed by many a humanist and scholastic such gloomy notions may well have been, but they were to prove, nonetheless, to be remarkably durable and to succeed in maintaining an intermittent or penumbral presence alongside various forms of political naturalism down into the later Middle Ages, when, in company with Augustinian views in general, they rose once more to a position of considerable prominence in theological circles and, with the onset of the Protestant Reformation, blossomed forth again into new and vigorous life.[2]

That said, it is important to take into account the degree to which such comparatively straightforward and essentially conventionalist notions came to assume new and differing forms reflective of the social, legal, and intellectual circumstances regnant at the particular

moment when they were being framed, with the Lutheran and Calvinist variants each representing but one among a range of congruent possibilities. In its fullness, the evolving story is one marked by considerable intricacy and complexity, and we must limit ourselves here to two of its major and formative episodes. The first of these episodes, though it reverberated down into the early fifteenth century, appears to have had its origins in the great mid-thirteenth-century controversy at the University of Paris that pitted against one another theologians drawn from the ranks of the secular (diocesan) clergy and those (mainly Dominicans and Franciscans) who were members of the international orders of mendicant friars.[3] I emphasized in the last volume the significance of that controversy for a different sector of medieval political thinking and return to it now in order to emphasize its further significance in relation to the recrudescence of what I am calling "the politics of sin." The second and more familiar episode occurred in the sixteenth century and was occasioned by the great disruptive challenge Martin Luther handed down to Rome and to the traditional religious and ecclesiastical order. More precisely, it was occasioned by the distinctively scriptural theologies that he and the other leading Protestant Reformers succeeded in forging on the anvil of their intensely personal spiritual travail. These two episodes we will take up in turn.

Dominium Founded in Grace: Aegidius Romanus, Richard Fitzralph, John Wycliffe, and Jan Hus

The secular-mendicant controversy at the University of Paris in the mid-thirteenth century went through two successive phases. The first of these, discussed already in the second volume of this series, pitted against the secular masters the theologians who belonged to the mendicant orders at large. It made its big impact on ecclesiological and political thinking and on notions of monarchical absolutism in general by the salience the mendicants gave to the "derivational" theory of ecclesiastical jurisdiction—that is, to the notion that the grant of contested papal privileges to the friars was nothing other than one particular manifestation of the fact that the pope was himself the source of *all* jurisdictional or governmental power in the church, that of the diocesan bishops and lesser prelates not excluded.[4] The second phase of the controversy, which dragged on until the end of the thirteenth century and the fallout from which continued on into the fifteenth, was one that saw, this time, mendicants themselves pitted against mendicants, with the disagreement pivoting on matters pertaining to *dominium*. While that word, as we have seen, had

denoted for Roman lawyers simply property or right of ownership, it had come in the Middle Ages to denote also jurisdiction and by so doing acquiring political connotations so that it stood "now for ownership and now for lordship."[5] In the context of the second phase of the overall mendicant controversy, however, the focus was largely on the proprietary denotation of the word, and it has well been said that the mendicants came thereby to make "a unique contribution to the already elaborate and theological and legal justification of property and wealth," raising "the moral and intellectual problem of the legitimacy of private property" in a way "unparalleled since the patristic period."[6] Thus in the closing years of the century, Dominican theologians hammered out their characteristic position on the subject, one that was to find notable expression in John of Paris's *Tractatus de regia potestate et papali* (1302), where he defended it vigorously against the rival Franciscan view.[7] As he framed it, the Dominican position took as its premise the fact that it is as God, not man, that Christ as creator is king over the entire creation and "lord of all property, ecclesiastical and non-ecclesiastical." As man, Christ was not king, nor did he have "*dominium* over temporalities," and thus no priest (not even Peter or his successor) "may claim to be Christ's vicar in this, for Christ has not granted to anyone what he did not have himself."[8] So far as ecclesiastical property is concerned, then, it must be understood as given by the donors not to individuals but to the ecclesiastical community itself which alone has "proprietary right and lordship" (*proprietas et dominium*) over it. The pope, certainly, even "as head and supreme member of the universal church" possesses no such right; his power over it is merely jurisdictional in nature—nothing more, in effect, than a managerial power or "general stewardship" of such goods.[9] And over the property of layfolk, which belongs not to the community as a whole but to the individual who has acquired it "through his own skill, labour and diligence," the pope lacks even that sort of overall jurisdictional power.

That position, destined it seems for a long and influential future,[10] was very much at odds with the Franciscan viewpoint as it had developed across the thirteenth century in dialogue with the series of supportive papal bulls issued by Gregory IX, Innocent IV, and Nicholas III, until in the 1270s it found a radical formulation at the hands of John Peckham, Franciscan provincial in England, then lector in theology at the papal curia, and finally archbishop of Canterbury.[11] Innocent IV's "crucial decision . . . to accept dominium as well as jurisdiction of all property given for Franciscan use" had led in the end to "a widespread Franciscan belief that the pope alone could and did conflate dominium/ownership and jurisdiction." "Prior to human laws," they said, "all dominium and jurisdiction is Christ's and

therefore . . . the pope's." And it was "this Franciscan attitude to Franciscan property," Coleman has argued, that a fellow friar, the Augustinian Hermit Aegidius Romanus, was later (1302) to generalize "to all property relations both in the church and in secular society," arguing, as he did so, that "dominium or any kind of possession can only be justly maintained through man's baptismal regeneration within the church." And, by so arguing, he initiated a tradition of thinking that made legitimate *dominium* contingent on the possession of grace and was to endure in complexly fluctuating guise for a century and more thereafter.[12]

Having in the second volume of this series discussed Aegidius's argument and what it presupposed,[13] I can limit myself here to only the most summary of descriptions. Presupposed first was the fact that the word *dominium* could be used to denote both power over temporal things and power over persons, which enabled him to mount a single argument to the effect that "there is no lordship (*dominium*) with justice, whether it be lordship over temporal things . . . or over lay persons except under the Church and as instituted through the Church."[14] Presupposed in the second place was the idea of divided *dominium,* that is, the notion that a multiplicity of rights could exist in a single piece of property or in the exercise of power over persons. Thus he is able to concede the fact that "Caesar, or the secular head, has . . . a large right in temporal things" while at the same time insisting that "the Church . . . has over all things, even over temporal goods, a universal superior and primary right; not, however, in such a way that Caesar is deprived of his right."[15] Presupposed in the third place was his commitment to the further belief that such rights along with the natural world and the created universe as a whole find their place in an ordered Pseudo-Dionysian hierarchy of rule and subordination, so that it is clear "from the order of the universe that the Church is placed above nations and kingdoms."[16] And presupposed finally was the fact that he chose to bring all such things together and into contact with Augustine's conclusion in the *De civitate dei* that there could be "real justice" or "true justice" only in the community in which the one, true God was given his due."[17] For Augustine himself, of course, the only commonwealth in which "true justice" could be found was not an earthly community at all but, rather, the transpatial and transtemporal City of God with which not even the visible church militant can fully be identified. Along with other medieval clericalist writers, however, Aegidius himself read Augustine through the lens of an "Augustinisme politique," which, identifying the visible church with the *civitas dei* and attributing to it, therefore, the possession of "true justice," developed into an essentially theocratic pattern of thought. And within the modalities of

that thought pattern there was a marked tendency to respiritualize politics, to absorb the natural order into the supernatural, and to subordinate the profane laws of civil society to the sacred norms embedded within the ecclesiastical order.[18]

As a result, *dominium* being for him the divinely ordained relation of superior being to inferior, Aegidius was led to argue that "there can be no *dominium* over temporal things or . . . over lay persons, except under the Church and instituted by the Church," for "none are under Christ as ruler unless they are under the Supreme Pontiff, who is the Vicar-General of Christ."[19] He concluded, then, that the de facto exercise of authority, either proprietary or governmental, even when it serves the ends of social utility and is in accordance with the human laws of inheritance, can give merely a presumptive title to *dominium*. The latter is truly possessed only if the person claiming to exercise it is in proper subordination to God—delivered from original sin through baptism and from actual sin through penance—and has received it through the church and the grace of God. Because the sacraments of the church are the channels of that divine grace, pagans and those excommunicated can have no just *dominium*. Nor can there be any true *dominium* whatsoever except that subject to the church which has, therefore, a superior, universal, and primary *dominium* over all persons and things.

Although his fellow Augustinian Hermits James of Viterbo and Augustinus Triumphus refrained from fully endorsing it, Aegidius's doctrine of *dominium* as contingent on grace clearly continued to resonate within the order (which claimed Augustine of Hippo, after all, as its true founder), and that may well have disposed some of the Augustinian friars at Oxford to sympathize with Wycliffe's views on the matter, at least in the years prior to his condemnation at the Blackfriars' Synod of 1382.[20] Certainly, the doctrine was given full-throated expression around 1326 by William of Cremona, prior-general of the order, in his papally commissioned refutation of Marsiglio of Padua's *Defensor pacis*. Though the supporting evidence is by no means conclusive, it seems more than likely that it was via William of Cremona that Richard Fitzralph (c. 1300–1360), distinguished Oxford theologian and, from 1342 until his death, archbishop of Armagh, encountered the doctrine during his lengthy period of residence between 1331 and 1345 at the papal court at Avignon.[21] And it was via Fitzralph's writings and preaching that that doctrine moved beyond the perimeters of the Order of Augustinian Hermits and came to enjoy something of a more general vogue in England and especially so at Oxford.[22]

On this matter of *dominium* we get a first brief glimpse of Fitzralph's fundamental stance already in 1340–41 when he was still

at Avignon and caught up, theologically speaking, in controversy with the positions staked out by the Armenian and Greek churches. Thus, in the tenth book of his *Summa de questionibus Armenorum (A Summary Account of the Armenian Questions*), focusing for a moment on the matter of jurisdiction, he delivered himself of the very Aegidian principle that

> no man in a state of mortal sin has true lordship [*dominium*] over other creatures *in God's sight.* He ought rather to be called a tyrant, a thief or a robber, though he may keep the name of king or prince or by reason of possession or hereditary succession, or the approval of the people subject to him, or by some other *human* law. But he has no *true lordship* until he repents, and until the grace of penance has restored him to a state that is acceptable to God. (italics mine)[23]

A succinct statement, no doubt, but read closely it can be seen to signal some of the most fundamental of the themes that Fitzralph was to develop a decade and more later in his *De pauperie Salvatoris* (*On the Poverty of the Savior*). As the title itself suggests, that work was of very different provenance. It was occasioned by the resurfacing at Avignon in 1349–50 of the old controversy between seculars and mendicants. Fitzralph at the time was resident at the papal court and, sympathetic as he was with the complaints of fellow bishops who wished to impose constraints on the vexing pastoral activities of the friars, he came to the forefront as something of a spokesman for the seculars.[24] In so doing, he expressed "an attitude to poverty and mendicant privileges [that] was emerging as a literal, almost fundamentalist interpretation of the primitive rule of St. Francis" which, over the course of the previous century, "successive popes and . . . moderate elements in the order had found to be utterly incompatible with a developing and canonically organized order."[25] As the preface to the *De pauperie Salvatoris* indicates,[26] the outcome of this venture appears to have been his appointment by Clement VI to a theological commission of three, charged with the task of addressing the overall issue of mendicant privileges and the mendicant attitude toward poverty. The efforts of the commission appear to have gone nowhere, and that prompted Fitzralph to pursue the issue further himself. Having in an earlier work (his *Proposicio*) addressed the pastoral problem presented by the mendicants, he now turned his attention in the *De pauperie Salvatoris* to fundamentals. Hence he was led, or so it has been claimed, to attempt via an intricate analysis of the notions of property, possession, lordship, and use (and one contingent on a doctrine of *dominium* as contingent on grace), "to give the argument against mendicant poverty a philosophical basis and an organic unity."[27]

How successful he was in achieving that goal remains, among

recent commentators at least, very much in question. Cast in somewhat obfuscatory dialogue form and written in haste, with its composition crammed during the early 1350s into the interstices of an extremely busy archiepiscopal administrative and pastoral life, the work has been judged to be "diffuse in conception and organization," "filled with apparent irrelevancies and contradictions," and marked by confusing shifts in the position being advocated. Designed "more to justify a return to ecclesiastical *status quo ante fratres* than anything else," it is "disappointing" in that "it neither inspires one with confidence in the possibility of successfully attaining apostolic poverty, nor does it conclusively establish the unwavering justice of the property-holding of the church." In effect, "Fitzralph's attempted synthesis" has to be viewed as "a failure." It "proved useful to no one, not even Fitzralph" himself. If it "proved fertile in suggestions, . . . even these were largely of a sort unintended by the author."[28] Certainly, in acknowledgment of such criticisms, one must concede that the tract was a rather broken-backed effort, with the more pastoral preoccupations of its last three books linked in only the most loose-limbed fashion with the intricate theoretical issues explored in the first five. And it is on what he had to say in those earlier books that one may most profitably focus attention here.[29]

What he had to say there is, in fact, very much in line with what he had had to say a decade and more earlier in the brief passage on the Armenians to which we have already alluded. Thus responding in the dialogue to questions which "Johannes" had raised at the outset about the confusions evident in the meanings ascribed to "poverty" (*paupertas*) by the rule of St. Francis and various papal decretals, and pointing out that the problem arose from the fact that discrepant meanings were being attributed to the terms "lordship," "property," "possession," and "right of use" (*dominium, proprietas, possessio, jus utendi*), "Ricardus" (Fitzralph) launched into a somewhat abstract effort to sort things out and to relate such concepts to God's own lordship and the grace he extends to man.[30]

In the course of that protracted effort he distinguishes, first and most fundamentally, between human *dominium* and God's *dominium* over his creation, and then, in turn, focusing on the former, between, on the one hand, the original or natural *dominium* which was part of God's *dominium* but was freely extended to Adam in the state of innocence and was destined, had he not sinned, to be shared equally among his descendants, and, on the other, that civil or political *dominium* that was grounded in the mandates of the positive law and was necessitated by the Fall—called into being, in effect, as a punishment and remedy for sin.[31] In all of this, the echoes of the old, Latin patristic (and especially Augustinian) viewpoint came through

loud and clear. But from such comparatively straightforward beginnings Fitzralph moved forward in more convoluted fashion and into more complex intellectual territory.

But what remains truly fundamental throughout, Fitzralph insists, is that no one can justly possess the *dominium* of anything unless he has been cleansed from sin and justified (made righteous) through grace (*gratia gratificans*).[32] Civil *dominium,* like original, is a gift from God to men, and he who falls into mortal sin forfeits, therefore, and for the same reason, civil no less than original *dominium.*[33] For Fitzralph, however, this is not (as with Aegidius Romanus) to suggest that *dominium* is mediated to its holder by the institutional church, falling, thereby, under ecclesiastical jurisdiction. Instead, he assumes that God confers it upon men directly and without intermediary. So that, as Dawson puts it, "If Fitzralph borrows the terminology of the Augustinian friars he does so only to defuse it of all its papal hierocratic implications."[34] Nor does he suggest that the dependence of *dominium* upon grace ultimately entails any this-worldly consequences, either for property holders in general or for the possessions of the church. The civil law has no window into the dispositions of the soul, nor can man determine whether he who claims *dominium* is in fact righteous and possessed of grace. That we must leave to God to determine, for he "is the most just judge."[35]

If we turn now to Wycliffe, we find that it was especially in his two treatises *De dominio divino* (*Concerning Divine Dominium*) and *De civili dominio* (*Concerning Civil Dominium*), 1274–76, that he focused most intently on the matter. While nobody today, after the great revival of Wycliffe studies in the past few decades, would still be inclined to dismiss the latter as "a curious metaphysical juggle,"[36] it is sobering to be warned by one of the most recent in-depth interpreters of the Wycliffite teaching on *dominium* that "more doubts than certainties . . . [remain] as regards Wycliffe's philosophical, theological, political and pastoral role."[37] But that warning duly noted, it does seem certain that it was from Fitzralph that Wycliffe derived the central doctrine of *dominium* as contingent upon grace.[38] At the same time, it is equally certain that he went on to make of it something very different.[39] Differences are evident in the ecclesiastical context in which he was led to address the notion, in the philosophical and theological principles with which he brought it into contact, in the precise way in which he unfolded its meaning, and, eventually, in the consequences he drew from it. These differences we must address in turn, following a trajectory that will take us from more concrete and practical issues to matters challengingly abstract in nature and, thence, back to the gritty realities of the reform program that Wycliffe was moved to propose to his allies among the aristocracy.

With Fitzralph, the context in which he had come to explore the notion of *dominium* had been that shaped by the recrudescence of tension between mendicants and seculars, his enlistment by Pope Clement VI to participate in an effort to hammer out some sort of solution to the problems that the mendicants had raised by their flourishing of the ideal of apostolic poverty and by their effort to vindicate in the teeth of secular discontent the privileges that successive popes had accorded to them. More than anything else, as Lahey has claimed and as we have seen, he explores the notion of *dominium* in an effort "to justify a return to [the] ecclesiastical status quo" as it had existed prior to the rise to prominence of the mendicant orders.[40] His, in effect, was an essentially establishmentarian effort. For Wycliffe, however, the context was one marked in England by a mounting tide of criticism of the corrupting accumulation of wealth by the possessionate church. It was marked, too, by the surfacing among clerics as well as nobility of calls for the confiscation in the public interest of at least part of that accumulated wealth.[41]

That concrete contextual difference was in turn sharpened by the differing ecclesiologies the two men brought into play, these in their turn conditioned by more profound theological commitments concerning the very economy of salvation itself. In this latter respect, Fitzralph was not moved to challenge the modified version of Augustinianism hammered out in the century after Augustine's death and packaged and popularized in the Latin West by the influential writings of Pope Gregory the Great (590–604). That version, occupying somewhat precarious mediating ground between Augustine's anti-Donatist doctrine of the church and his anti-Pelagian doctrine of salvation had long since come, nevertheless, to form the very bedrock of medieval orthodoxy.[42] Pushed to its logical conclusion, Augustine's anti-Pelagian affirmation of predestination and the irresistibility of divine grace would have had the effect of depriving the sacramental ministrations of the visible hierarchical church of all importance in the economy of salvation. If salvation were entirely dependent upon the free choice of an inscrutable God, not even the most assiduous exploitation of the sacramental channels of grace could do anything to promote the chances of a single individual. Augustine, of course, had not pushed that position to its logical conclusion. But whereas in the context of his writings on grace and salvation he was moved to define the church as the invisible body of the elect, foreknown to God alone, in the context of his writings against the Donatists he had been led to identify the visible church, with its saints and sinners, hierarchy and sacraments, as the true Catholic Church and the sole ark of salvation. The medieval church had not attempted to reconcile these two disparate positions. Whereas

Augustine's anti-Donatist teaching on the church became the prevailing orthodoxy, his views on grace and predestination were accepted only with modifications which served (though they were not necessarily consciously intended to do so) to bring them into line with that teaching on the church. What emerged, therefore, was a form of Augustinianism which while affirming man's inability to engineer his own salvation, attributed to him the power and burdened him with the responsibility of cooperating with the workings of divine grace. Affirming the necessity of divine grace in the process of salvation, this version of "Augustinianism" went a long way toward confining its dispensation to those official channels of grace called sacraments, the possession of which was the foundation of the church's holiness and which, to be efficacious, had in most cases to be administered by the priesthood, thereby underpinning also the power and prestige of the sacerdotal hierarchy.

If Fitzralph, an essentially establishment figure, had in no way called any of this into question, Wycliffe most certainly did. Leff has argued persuasively for the existence of a certain congruence between Wycliffe's ultrarealism in metaphysics and the views concerning the Bible and the church that he expressed in his *De veritate sacrae scripturae* (*On the Truth of Sacred Scripture,* 1378), his *De ecclesia* (*On the Church,* 1378), and elsewhere.[43] With all his well-attested stress on the authority of the Bible, Wycliffe cannot be regarded as an advocate of *sola scriptura* (the Scripture alone); he was quite willing to admit that a full comprehension of its meaning might often depend on the interpretation hammered out by the church fathers and the saints, notably by his beloved St. Augustine.[44] But he did exhibit a strain of fundamentalism that led him to make "the Bible the touchstone of all knowledge and conduct," a means which put him in the position of being able to stand in confident judgment on the false claims of the hierarchical Roman church. His ultrarealism, indeed, led him to view the Bible in a manner suggestive less of Christian tradition than of Muslim attitudes toward the Koran—to regard it, that is, "as a metaphysical entity eternally in being with every word denoting an ever-present reality."[45] At the same time, he was also led to regard the church as, in its very essence, "independent of time and place," in effect reducing the "true" church to the archetypal reality which, being eternal, predates the flawed historical reality that constitutes the visible church militant. Hence his inclination to take in very literal fashion (and, indeed, to absolutize) St. Augustine's classic distinction between the heavenly and earthly cities (*civitas dei, civitas terrena*). For Augustine himself, although both were transtemporal and transspatial societies, that of the company of the elect, the saved, on the one hand, that of the damned on the other, both were destined, nonetheless, to

remain inextricably intermingled in the historical reality of the visible church. And it was not God's will that we, like the Donatists, should presume to separate the wheat from the chaff, the saints from the sinners.

While Wycliffe conceded that in this life we can never know with certainty who is of the saved, the predestined, and who of the damned, the foreknown (*praesciti*), he was in a sense prompted by his metaphysical commitments to essay in his *De ecclesia* what at one level at least amounted precisely to such a separation of the wheat from the chaff. The church he defined bluntly as "the congregation of all the predestined"; that alone is "the universal or Catholic Church."[46] It is the true but invisible church of which Christ, "the chief rabbi," is the sole head and the elect the sole members. And there is no guarantee that popes, bishops, or priests, simply by virtue of their possession of office in the visible church of here and now, actually belong to that true, eternal church of the elect. To the contrary, by their deeds, he more than once implied, ye shall surely know them.

Hence the sparks that understandably flew when he brought into connection his attitude toward the Bible and his doctrine of the church. Measured against what he took to be the timeless verities of the Scriptures, the historically conditioned failings and complexities of a visible church functioning willy-nilly within the wrack and ruin of a fallen world and at the mercy of the flawed performances of so many of her ministers could hardly be found as anything but sorely wanting. In his own astringent view, all of these characteristics reflected nothing other than a damnable declension from the purity of the apostolic ideal. Had he consistently pursued it, it is true, the harsh logic of his position could have led him to deny to the ministrations of the visible church any efficacy at all. If he certainly did not go so far, we are left, at least, with little ground for surprise at the conclusions he actually did draw. Thus at times he refused, Donatist fashion, to accord efficacy to the ministrations of the sinful priest. More consistently, he depreciated the function of the priesthood itself, minimizing the importance of its sacramental ministrations and coming close to collapsing the priestly function itself into that of "disseminating correctly informed knowledge of the Christian faith."[47] He attacked the bases of the ecclesiastical hierarchy; he rejected the traditional claims of the papacy; he questioned the very mediatorial function of the institutional church in the economy of salvation. Building, indeed, on the species of political Christology deployed in his *De officio regis* (*On the Office of the King,* mid-1379), and in this like the Anglo-Norman Anonymous two centuries earlier,[48] he ascribed now to the royal government a predominant role in the direction of that part of the visible church militant that he came to identify with

the realm of England.

That political Christology Wycliffe ascribed to Augustine, but mistakenly so. While in the *De officio regis* he gave no specific reference to a text, the one to which he was clearly referring was in fact that of the fourth-century author whom we know as "Ambrosiaster" but whose work had circulated for centuries under Augustine's name.[49] Following, then, on Ambrosiaster's heels, Wycliffe proclaimed that Christ "has two vicars in his church, the king in matters temporal, the priest in spirituals. . . . The king bears the image of God, the bishop the image of Christ." And "it follows that it is right for Christ's vicar as Christ [i.e., the priest, whom he aligns with Christ's humanity] to be ruled by Christ's vicar as God [i.e., the king, whom he aligns with Christ's divinity]." The function of kingship, accordingly, is to be viewed as "superior to the function of priesthood." It is more general in that it is prior in time, more universal in the sweep of its reach, and greater in the fact of its endurance across time. "The title of king," in effect, has "a formal representative appropriateness to God the Father."[50]

It is against the background of the above set of philosophical and theological commitments—his ultrarealist metaphysics, his emphasis on the sovereign authority of the Bible, his view of the church as the body of the elect and of the king as vicar of the divine Christ—that Wycliffe's teaching on *dominium* can most profitably be approached. For it served, Shogimen has properly noted, as a bridge spanning the gulf lying between Wycliffe's notion that the true church was the invisible body of the elect and, that notwithstanding, his insistence on the fact that "radical reform of the visible institutional church was called for." "At the heart of Wycliffe's metaphysics," he argues, "was the idea that the power exercised by any individual was grounded in, and causally dependent upon, divine dominion" which, in effect, "determined the very existence of any created being."[51] Or, put somewhat differently and evoking Wycliffe's ultrarealist metaphysics, "God's dominium is so all-pervasive and immediate as to be the cause of all created acts," so that "all just human dominium is immediately based on God's dominium" and is "related to it as a particular to a universal by causality."[52] But here, of course, the operative word is "just." In the absence of righteousness there can be no true *dominium* of any sort whatsoever. Outward appearances notwithstanding, the lord, whether civil or ecclesiastical, who falls into mortal sin and is bereft, therefore, of grace (so that all his acts are sinful) by that very fact forfeits his claim to any sort of *dominium.* Ruling or possessing without justice, he does so improperly and in reality does no more than "occupy what pertains to another."[53]

While, for Wycliffe, all instantiations of *dominium* are real only

insofar as they *participate* (Plato-style) in the universal *dominium* which is God's, he does not view them as identical with one another. Subordinate to divine *dominium* are the angelic and human forms, with human *dominium* divided, in turn, into natural, evangelical, and civil subspecies founded, respectively, on natural, evangelical, and human (civil) law.[54]

Natural *dominium,* according to Wycliffe, is the true *dominium* that human beings enjoyed in the state of innocence before the Fall and in accordance with which there was neither political subordination nor any private or exclusive ownership of property.[55] While, as an outcome of original sin, humankind at large forfeited this true or natural *dominium,* nevertheless through Christ's redemptive sacrifice and the full remission of original sin, it was restored to those elect figures who were possessed of justice or righteousness.[56] And it brought with it not only the condition of poverty and the absence of private property but, more profoundly, the state of charity and true humility as well as the blessed freedom from that anxious solicitude about the material things of this world that, in the aftermath of Adam's catastrophic fall from grace, had become the bane of humankind.[57]

As for human *dominium,* Wycliffe divided it, in turn, into civil and evangelical. His immediate concern was then to emphasize the enormous gulf that yawned between true or natural *dominium,* to which private ownership is foreign, and civil *dominium,* to which it is nothing less than pivotal. If true or natural *dominium* was that which prevailed in the state of innocence, civil *dominium* grounded not in divine but human law and itself coercive in nature had entered the world only as a result of our first parents' primordial sin. Indeed, it serves in a sense as a remedy for sin; it is necessitated by the sheer "perversity (*contrareitas*) and disobedience of humankind," for that led God to ordain the existence of "secular lords whose principal duty it is to lead the various segments of the human species back to concord and harmony."[58] At the same time, though it is now venial not mortal sin that is involved, that civil *dominium* in itself involves sin in that it implicates its holders in the wretched solicitude for things temporal, which distances them from the contemplative love of God that would have been theirs in the original state of innocence.[59]

Precisely because civil *dominium* is shadowed thus by sin, it is not of course fitting that Christ's *dominium* should have been of that sort.[60] Nor is it fitting that ecclesiastics today should be possessed of it. Proper to them, instead, is that evangelical *dominium* which Wycliffe had distinguished from both the natural and civil versions. This is the *dominium* that Christ himself possessed and that Wycliffe appears usually (if somewhat confusingly) to align with original, true, or

natural *dominium.* For in common with the latter, and unlike its civil counterpart, evangelical *dominium* knows nothing of private possessions (*meum et tuum*) nor of the corrupting solicitude for worldly wealth with which the former is unhappily burdened. Suffused, instead, by charity and humility, grounded in grace, bereft of relationships of power, and distinguished by a form of evangelical poverty modeled upon the way in which Christ himself had lived, its overriding concern is not with worldly wealth but with the well-being of others.[61] Such ideas and ideals obviously stood in marked contrast with the corrupting tangle of material wealth and luxury, ostentatious display, and the wielding of civil lordship which, over the centuries, had come to be characteristic of the ecclesiastical hierarchy and clergy at large. Hence Wycliffe's stentorian and repeated calls for the just wielders of civil *dominium,* the king and national aristocracy (who were themselves, with the help of divine grace, at least capable in spirit of possessing something approximating to evangelical *dominium*), to liberate the clergy by confiscatory policies from the corrupting burden of civil *dominium* and material possessions. For it was his hope that the clergy, emancipated thus via fraternal correction, might then return to the evangelical path of grace-filled and humble service to their fellow Christians.[62] And in this he looked especially to the king who, as Vicar of God and representative of Christ's divinity, is possessed of the power to command priests to administer the sacraments. For he is, in effect, "the [superior] pastor of the peoples,"[63] whose duty it is to use his God-given power to lead a corrupted church back into a more scriptural mode of being.[64]

I should acknowledge that it has been necessary to quarry this rather bare-bones outline of Wycliffe's position from an argumentative formation of formidable density, marked all too often by indirection and punctuated by intricate qualifications that have the potential to set the anxious reader back on his heels and force him to interrogate anew argumentative territory once deemed safely conquered.[65] But as the alarmed ecclesiastical reaction that gathered steam in the last years of the fourteenth century makes clear, the neuralgic practical implications of Wycliffe's convoluted line of march can hardly have been deemed altogether ambiguous. While not quite giving them carte blanche to embark on a program of outright ecclesiastical disappropriation, it had put the secular political authorities on notice that that, precisely, might well be within the legitimate reach of their powers. It might even be their duty, or so it was implied, to take such measures if need be in order to nudge the visible, hierarchical church, long since corrupted by worldly power and material wealth, back into the spiritual order where it truly belonged.

That was the case not only in England but also in Bohemia where

Czech scholars, returning from their studies at Oxford, had served to acquaint their fellow countrymen at the University of Prague, first with Wycliffe's metaphysical ultrarealism and later, especially after the turn of the century, with his more controversial ecclesiological and political writings. By 1408, when Jan Hus (c. 1369–1415) had finally been pushed into the forefront of the indigenous Czech movement for religious and ecclesiastical reform, he had already made copies of several of Wycliffe's philosophical writings and in 1405 had translated the latter's *De civili dominio* into Czech.[66] Though Hus was a moral reformer rather than a religious revolutionary and more ambivalent in his own doctrinal formulations than his much-admired Wycliffe, those who prosecuted and condemned him for heresy at the Council of Constance (1414–18)—themselves, certainly, no fanatics—clearly found it impossible to believe that he was not a more thoroughgoing Wycliffite than he would have them believe. They saw him, therefore, as a revolutionary rather than a reformer, a subversive rather than a saint, and, acting accordingly, they made him a martyr.[67] And among the propositions of his that Constance ascribed to Wycliffe or Hus and condemned as heretical were those grounded on the doctrine that *dominium* of any kind was contingent upon grace.[68]

In the wake of those condemnations, that doctrine, which we have seen rising to prominence among the theologians of the Order of Augustinian Hermits, was now consigned to the outer darkness of heterodoxy. And while its lingering half-life among Hussite groups in Bohemia down into the age of Protestant Reformation may conceivably have eased the way in some areas to the secularization of church property, it finds no echo in the writings of the noblest and best-known Augustian Hermit of them all—none other than Martin Luther himself (1483–1546). By 1520, already cornered publicly at Leipzig by his formidable papalist adversary John Eck and contacted, as a result, by some Hussites from Prague who shared with him a copy of Hus's *De ecclesia* (*Concerning the Church*), Luther was now ready to affirm that "we are all Hussites without knowing it."[69] But by that time his own quite original form of religious thinking, grounded as it was in the long-enduring travail of his inner spirit, was already groping its way toward maturity. His own, quite specific, "politics of sin," however "Augustinian" and however real, was destined, then, to take a form altogether different from those shaped by Fitzralph, Wycliffe, Hus, and, before them, by his own learned predecessors in the Order of Augustinian Hermits.

Luther and the Lutheran Diaspora

Risking the type of generalization that teachers instinctively reach for but scholars have sometimes cause to regret, let me suggest that the politics of sin, which the Protestant Reformation infused with such renewed vitality, came in the sixteenth century to express itself in at least four different ways: that of Martin Luther himself; that characteristic of the Lutheran diaspora in Sweden and England; that of the Protestant Reformed tradition inspired by the teachings of Huldriech Zwingli (1484–1531) and John Calvin (1509–64); and that prevalent among the sectarian groups of the Reformation's radical "Left."

If, in the popular imaginary, any picture of Luther survives at all, it is surely that of the rebellious monk, outraged by a particularly egregious example of the corrupt and corrupting papal traffic in indulgences, nailing his ninety-five theses of protest to the door of the Castle Church at Wittenberg. But by that time, in reality, he had long since begun to edge in great turmoil of the spirit into novel religious territory. That territory, under mounting pressure from the ecclesiastical authorities, he moved to occupy with great passion and élan in the sustained burst of literary activity which reached its peak in 1521. In that year he produced the four historic works: *Von der Freiheit eines Christenmenschen* (*On the Freedom of a Christian*), *De captivitate Babylonica Ecclesiae* (*On the Babylonian Captivity of the Church*), *An den christlichen Adel deutscher Nation* (*To the Christian Nobility of the German Nation*), and *Von dem Papstum zu Rome* (*On the Papacy at Rome*). And what came to be revealed in those crucial works was the fact that his challenge to the medieval Catholic order was one more radical than his opening salvo may have suggested. In common with those of his followers who really understood him (and some, especially those of humanist bent, clearly did not), Luther was a good deal more than a mere critic of the late medieval ecclesiastical order. The wellsprings of his religiosity, that is to say, lay less in any reaction to the medieval Catholic system at its weakest and most corrupt than in the profound inadequacies he came to detect in it even at its strongest and most pure. He himself, certainly, had not encountered it at its weakest and most corrupt. The late medieval era in Germany was, to the contrary, an era of deepening piety, enhanced religious expectations, and, on the part of the populace, intense "churchliness."[70] That was, admittedly, the Christian setting that had nurtured him spiritually during the dozen years prior to 1517, which he had spent as a dedicated monk in the reformed monasteries of Erfurt and Wittenberg, both of them belonging to the strictly observant wing of the Order of Augustinian Hermits. But as an unusually devout and ascetic believer, intensely preoccupied with his own sinfulness and cruelly conscious of the fact that it was the

Christian wayfarer's hapless fate to be caught between God and the devil,[71] not even the most scrupulous following of the medieval prescriptions for seeking righteousness through works nor the remedies available to him proved sufficient to satisfy his anxious and ultimately unsuccessful quest for God's forgiveness. So totally did Luther fail in that forlorn quest that he later confessed that he had more than once been "brought to the depth and abyss of despair, so that I wished I had never been born a man."[72] Moved, then, by a driving concern to strip away the all-too-human accretions of centuries, to return to the unsullied Gospel of Christ as it speaks in and through the Scriptures, and emboldened by a penetrating reading of those Scriptures determined in marked degree by the agonies of his own spiritual crisis, Luther was moved to call into question the church's jurisdictional power in the internal as well as the external forum, the power of order no less than the power of jurisdiction, reaching beyond those issues, indeed, to subvert the fundamental theological equations hammered out a thousand years earlier concerning the respective roles in the salvific process of human effort and divine grace.[73]

That such would ultimately be the case had become increasingly clear to him during the crucial half dozen years subsequent to his posting of the ninety-five theses, so much so that when in his *De servo arbitrio* (*On the Bondage of the Will,* 1525) he came to reply to the *De libero arbitrio* (*On Free Choice of the Will,* 1524) of Erasmus, he praised the latter because "unlike all the rest, you alone have attacked the real issue, the essence of the matter in dispute, and have not worried me with irrelevancies about the Papacy, purgatory, indulgences and such like trifles."[74] In his *De libero arbitrio* Erasmus had made a moderate and essentially traditional case for according in the process of salvation and in response to the promptings of divine grace at least "something to human choice which has not withdrawn itself from the grace of God."[75] But Luther would have none of that. In firm opposition he evoked Augustine's harsh doctrine of original sin and his great eschatological vision of mankind as divided until the Day of Judgment into two opposed communities, the *civitas dei* and *civitas terrena,* invisible here and now because their memberships are ineradicably intertwined but known nevertheless to God. Luther spoke accordingly of a kingdom of God (*regnum dei*), to which true Christians belong, and a kingdom of Satan (*regnum Satanae/regnum diaboli*), into which are gathered the doomed remnants of humankind. Between these two kingdoms, he insisted, "there is no middle kingdom." They are mutually and perpetually in conflict one with another.[76] Only with the Day of Judgment will Satan finally be routed and Christ come to reign in glory. Until then, the human will is like a beast over which

two riders, divine or Satanic, contend. Should we be fortunate enough to be "delivered from the dominion of darkness, it is not by our own strength but by the grace of God, through which alone citizenship in the *regnum dei* is granted."[77]

Such extreme formulations notwithstanding, it would be incorrect to view the grim equations of divine election as the pivot on which Luther's whole theology turned. For him the doctrine of election evoked the notion of God's forgiveness rather than his wrath; it was a source of hope rather than of fear, a conclusion rather than a premise. That premise lay elsewhere, in the doctrine of justification (or salvation) by grace alone through faith, the principle that, along with that of Scripture alone, shaped his entire theology and informed his social and political thinking.[78] He had been driven to the very edge of final despair when his anxious reading of Paul's Epistle to the Romans[79] had led him to doubt that the righteousness (*justitia*) of God revealed by the Gospel could be anything other than that active, punishing justice associated with the grim fact that we are bound to the firm prescriptions of the Old Testament law even while, as slaves to sin, we are doomed inevitably to fall short of those prescriptions. But, then, either gradually across time or in some moment of ecstatic epiphany (we don't know which), it had dawned on him that the justice or righteousness of God alluded to in the Gospel should be understood in a different fashion, as nothing other than the salvific gift that God freely bestows on his chosen ones, as the "passive righteousness" by which the merciful God justifies or saves us through faith—a critical insight that was nothing less than a seismic shock to the whole course of his spiritual development. Thus he came to conclude that in the New Testament, by virtue of Christ's great sacrifice on the cross, God reveals himself as a forgiving and merciful father who promises man that the justification which eluded him while he struggled "to fulfill all the works of the law" will now be accomplished "quickly and easily through faith," itself not a matter of human choice or achievement but "a divine work in us," a gratuitous gift of God.[80]

The shift in perspective that this conclusion reflected was, of course, enormous, and the consequences it entailed—personal, social, institutional, political—proved to be of the utmost significance. On the personal level the impact was dramatic. Because of it Luther himself confessed that "I felt as if I was altogether born again and had entered into Paradise itself through open gates."[81] And on the social and institutional level it was scarcely less dramatic. What justification by faith (or, to unpack that formula a little, "justification by grace alone through faith") involved was the abandonment of the patristic and medieval understanding of justification as a gradual and lifelong

process of effortful spiritual regeneration destined to be completed only in the next world. Instead, justification by the forgiving love of God in Christ was now viewed as a present reality, and the Christian life of true sanctification understood not as a laborious sine qua non for salvation but rather as its *effect*—"Good works do not make a good man, but a good man does good works."[82] Freed now from the bondage of the law and the corrupting imperative to work out his own salvation (thus "Christian liberty"), the believer was liberated likewise from the claims the institutional church had traditionally made to mediate between him and his creator. With justification wholly an immediate divine gift and an instant reality conditioned only by faith, the church in its innermost essence could be nothing other than the invisible communion of the saints, the spiritual body of the elect. And in its visible institutional expression here on earth, the church could be nothing other than the community of believers, made manifest by the fact that in it one can find the Word truly preached and the sacraments rightly administered. Those sacraments, moreover, were now interpreted not as indispensable channels of divine grace but simply as visible testimonies to the Word. As a result, their centrality to the process of salvation was denied and with it the age-old hierarchical ordering of the church. The dismissal as unscriptural of the sacrament of holy orders, the assertion that all Christians share equally by faith in Christ's kingship and priesthood, the erasure, therefore, of the notion that the clergy constituted a spiritual estate distinct from the laity and superior to them, the redundancy of the monastic vocation for a belief system in terms of which not even the most strenuous of moral strivings could affect one's eternal destiny—all of these represented crucial departures from the norms of medieval orthodoxy. They served, in effect, to obliterate the traditional distinction between clergy and laity, to reduce the ministry to the functional status of one divinely ordained calling among many, and to lay the foundation for a body of political thinking markedly different from that prevailing in the centuries immediately preceding.

The key to the difference is to be found in the complex way in which, at least from 1522 to 1523 onwards, Luther conceived of the setting in which man lives his life. While his position was marked admittedly by some further complexities, it may properly be said that the controlling element in his thinking on these matters was his crucial discrimination in Christian man of two distinct natures, between the two orders or realms (*Reiche*) God has established for man's existence in this world, and the related (or overlapping) distinction he draws between the two divinely ordered institutional orders of government (*Regimente*) pertaining to those realms.[83]

Through faith, Luther insists, the Christian stands before God

(*coram deo*) as wholly righteous here and now, because God of his gratuitous mercy no longer imputes his sins to him. In relation to God, that is to say, he is made a new man, a spiritual person, through Christ wholly righteous, and as such belongs to the spiritual realm (*das geistliche Reich*) which pertains solely to the direct relationship between man and God. As such, accordingly, he is subject to God's spiritual governance (*das geistliche Regiment*), an inward governance over the heart which God exercises in this world, not by the deployment of coercive force but rather via the Word and its proclamation through preaching and sacraments. But if righteous, the Christian is at the same time and always a sinner (*simul justus et peccator; semper peccator, semper justus*).[84]

It is true that, even in this world, as a consequence of his complete justification, the Christian is gradually being sanctified. But as a Christian in this world no man can be solely a spiritual person. He is also a *Welt-person,* that is, a person who exists in relation to others as well as to God and one who still staggers under the crippling burden of original sin. Forgiven he may well be, but not because he is sinless. He is forgiven, rather, *in spite of* the sins he still, alas, commits. As such a person, and in this no less than his unredeemed fellow men, he belongs not only to the spiritual but also to the temporal realm (*das weltliche Reich*). He is subject, therefore, to the divinely sanctioned temporal government (*das weltliche Regiment*) that embraces the world of human society, working, as a result, to bring about a type of justice. Not, of course, the salvific justice which is taught by the Gospel and makes men righteous *coram deo,* for that comes only through faith. What it involves, instead, is no more than a civil or "external" justice which reaches only to the outward actions of men. It is taught by reason and the natural law that is imprinted in the hearts of all men, pagans no less than Christians, unredeemed as well as redeemed. And it is "to be sought in offices and works."[85]

From these fundamental commitments flow the striking emphases in Luther's theopolitics that had the effect for some time of wrenching thinking about political life out of the orbit in which it had revolved during the Middle Ages. For a century or more it had the effect of introducing a marked discontinuity into the history of political thought. First among such commitments was the very fact that his thinking about political life was, indeed, a political *theology,* one continuous with his great Pauline-based theology of salvation. Hence the fundamental and highly influential importance he attached to the authority of the New Testament in the determination of questions pertaining to political life. Second (and in this like Marsiglio of Padua) was his denial to the church of any power that could properly be called jurisdictional. Thus as early as 1520, in his *Address to the*

Christian Nobility, Luther dismissed the canon law as an all-too-human tool of papal exploitation.[86] To ministers in the church, accordingly, he denied any coercive power. Their function, as instruments of God's spiritual governance, was simply to proclaim the Gospel, to rebuke sin —even when it occurs in high places—and to admonish the faithful to live in accordance with Christ's teaching. Their role was one of service; their power was no more than the power of persuasion; their authority the authority of the Word that addresses itself to the inner hearts of men.

The sheer importance he attached to temporal rulers, whose standing in society his teaching greatly enhanced, was the third of these emphases. Those rulers, he insisted, are nothing less than the masks (*larvae*) behind which God conceals the exercise of his temporal governance, and they are to be obeyed as much for conscience's sake as for fear. Temporal government is a remedy for sin, a divinely instituted means to maintain at least the rudiments of external peace, to stave off the anarchy that, in a fallen world, threatens constantly to engulf society. "Civil law and the sword," Luther tells us—citing the two biblical texts on which he placed so enormous and influential an emphasis (Rom. 13:1–7; 1 Peter 2:13–14)—are "in the world by God's will and ordinance."[87] Governmental power, as a result, is neither to be abused by an immoral ruler commanding his subjects to do wrong nor actively resisted by subjects even when they groan under a tyrant's yoke. Even tyrants, after all, are ministers of God, and they may (as Paul points out) be instruments of his wrath. While it is our religious duty to disobey them if they command us to do what is evil, it is also our religious duty passively to bear the consequences of that disobedience.[88] Christians—ministers as well as their flocks—are no less subject to God's temporal government in matters external than are pagans or the unregenerate.[89] And not simply by way of service in the divinely ordained calling of magistrate or soldier, or to set an example of obedience for unregenerate brethren to follow, but, more fundamentally, because as Christians in the world they *need* the promptings of the law to curb, in their dealings with others, the evil promptings of their own fallen nature.

All of these emphases had a profound impact on the Lutheran consciousness as it developed across the sixteenth and seventeenth centuries. So, too, though with the passage of time it betrayed even in Lutheran circles unmistakable signs of softening, was the fourth of these formative emphases. This was the firmness of the distinction Luther strove so hard to maintain—that between the spiritual and temporal realms and between their respective modes of governance—as well as the force of his insistence that, as distinct and parallel *Reiche* and *Regimente,* they not be confused. They speak to different

aspects of man's existence, exert different modalities of authority, depend upon different instrumentalities of persuasion.[90] The confusion of the two (*confusio regnorum*), indeed, he saw as nothing other than the work of the devil himself, who prowls like a roaring lion seeking whom he may devour, striving to subvert the whole divinely ordained pattern of things, prompting priests and temporal authorities alike to abuse their legitimate powers and subjects, in turn, to resort to rebellion. Hence the bitterness of his attack in *The Babylonian Captivity* and elsewhere on the papal "Antichrist," not only for introducing into the church an alien regime of laws, jurisdiction, and coercion but also for intruding itself improperly into the domain of temporal governance and for claiming illegitimately to be the source of the power that temporal rulers wield.[91]

The same worry about the ever-present danger of a *confusio regnorum* stands behind two other aspects of Luther's theopolitics, the second of which drew down upon him a good deal of criticism, both in his own lifetime and in subsequent centuries. The first was his criticism of rulers, however Christian in aspiration, who went beyond their legitimate duty to protect the external order and peace of the church, presuming to legislate upon matters essentially religious, attempting vainly to impose beliefs upon their subjects, intruding upon the interior disposition of the soul, and introducing into spiritual affairs (where it is for the Word alone to persuade) the alien coercion of the law.[92] But if he stressed the limits of the ruler's temporal power, he balanced that by his extreme emphasis on the duty of subjects to obey. Thus, and in the second place, the embittered harshness, during the devastating Peasants' War in Germany, of his final tirade: *Wider die rauberischen und mörderischen Rotten der Bauern* (*Against the Robbing and Murdering Hordes of Peasants,* May 1525). In his earlier *Ermahnung zum Frieden* (*Admonition to Peace,* published in 1524 and before the outbreak of extensive hostilities), while he had warned the peasants that they could not justify "tumult and rebellion" by "the fact that rulers are wicked and unjust," he had also rebuked the princes for their "stubborn perversity" and the oppression of their rule.[93] That stance was firmly aligned with the political theology he had delineated during the previous year in his *Von weltlicher Obrigkeit, wie weit man ihr gehorsam schuldig sei* (*Of Temporal Authority: To What Extent It Should Be Obeyed,* 1523). Not so the unbalanced stridency with which he finally condemned the peasants as "faithless, perjured, disobedient, rebellious murderers, robbers, and blasphemers," as well as the brutal vigor with which he urged the princes to "stab, smite, slay" them. This excessive reaction did not spring simply from his profound horror of rebellion against the powers that be as a direct repudiation of Paul's teaching in Romans 13. It sprang also from the

fact that he had now come to see the peasants as honoring and serving the devil by promoting the *confusio regnorum,* "making Christian liberty a completely physical matter," cloaking this "terrible and horrible sin [of rebellion] with the Gospel" and becoming thereby "the worst blasphemers of God."[94]

Discussion concerning the pros and cons of forcible resistance to the powers and potentates of this world had not been uncommon during the later Middle Ages.[95] Such resistance, however, had rarely been an occasion for extended moral anguish among later medieval Catholics at large. Luther's passionate rejection of it as sinful, however, transformed it for the remainder of the sixteenth century and a goodly part of the seventeenth as well into *the* central and critical question confronting European political thinkers. As we shall see in a later chapter,[96] this was a question on which Luther himself was to change his mind in the 1530s, though only with great difficulty and in the face of changed political and religious circumstances in Germany. During those later years, with comparable difficulty and behind a screen of cautious qualifications, he was also to change his mind somewhat on other issues pertaining to his theopolitics, permitting now a certain degree of coercion even in religious matters and, more broadly, enlarging the role of the prince in the governance of the church. But if changed circumstances played their role in inducing him to modify his fundamental positions, so too did the sheer difficulty he and other early Reformers encountered in trying to hold to the firm line of distinction he had drawn between the spiritual and temporal *Regimente.*[97] His own change of viewpoint was in some measure worked out in dialogue with other Reformers grappling with the same difficulty—such men as Eberlin von Günzburg, Andreas Osiander, and, most notably, his beloved friend, colleague, and neighbor at Wittenberg, Philipp Melanchthon, who served sometimes even as teacher rather than disciple. In the final (1555) edition of his *Loci communes* (*Common Topics of Theology*), which reflected the shifts in his thinking across the years in response to changing religio-political circumstances, Melanchthon came to assign to the temporal power, which "should punish with fist and sword," a role in ecclesiastical and religious matters that goes well beyond anything that Luther himself had originally envisaged. Worldly power, he now insisted, "does not merely exist to serve or satisfy the stomachs of men," or to maintain peace, or even to punish immoral acts that do not disturb the peace. It is also "obliged for the good of the Church to supply necessary offices, pastors, schools, churches, courts, and hospitals." Beyond that, indeed, rulers are "obliged to accept the holy gospel, to believe, confess, and direct others to true divine service." They must also "prohibit, abolish, and punish" such offenses as

"external idolatry, blasphemy, false oaths, untrue doctrine, and heresy."[98]

These blunt assertions reveal the distance Melanchthon had traveled since those early days when his thinking had been more closely aligned with Luther's insistence on the separation of the spiritual and temporal *Regimente* and especially since the mid-1530s when he had begun to ascribe a "right of reformation" to temporal rulers and to develop his notion of the prince as "the principal member of the church" (*praecipuum membrum ecclesiae*). Luther himself never went quite so far, but by the mid-1530s, having had to confront the threat posed by the Anabaptist wing of Protestantism and the urgencies of church organization in Saxony and elsewhere, he had begun to abandon "his belief that the Gospel must never be defended by force and was beginning to replace it by the Melanchthonian doctrine that secular rulers had a duty to do all in their power to promote and defend true religion, by force if need be."[99] By so doing, whether wittingly or unwittingly, he lent credence to the very large claims that his followers and their fellow travelers in the world of the Lutheran diaspora (stretching eventually from Iceland to Finland) made for the religious dimension of the royal office.

This is particularly evident in the cases of Sweden and England, the only countries in which Reformers of Lutheran sympathies produced any significant body of writing on matters of political theology.[100] The Swedish contribution was slight and unsystematic in nature, dating as it did to the period before the Swedish king Gustavus Vasa had committed himself unambiguously to a form of Lutheranism. Its central moment was the *Krönungspredikan* or sermon which the Lutheran reformer Olaus Petri preached in 1528 at that king's coronation. Emphasizing that kingship is a Christian office (*Christelegit embete*) divinely ordained for the public well-being, Olaus Petri warns the king of the dangers and temptations of his position, urging him to rule not for his own sake but for the good of his subjects and reminding him that his duties extended beyond the securing of temporal peace and tranquility to the watchful oversight of the clergy of the realm that they not slight their responsibility to preach the Word of God.[101] Again, brandishing such well-worn texts as 1 Peter 2:13–17, Matthew 17:25–27, and (above all) Romans 13:1–7, he lays an even greater stress on the duty of all subjects, clergy as well as laity and on all matters that do not infringe God's commandments, to be loyal and obedient to the king not simply for fear of punishment but for conscience's sake. And striking the familiar Pauline theme to which he was to return later in his great *Svenska Kronik,* even tyrants and wicked rulers are ministers of God, instruments of his wrath to punish those that do evil.[102]

Like Olaus Petri men such as William Roy and William Tyndale, who were among the earliest English sympathizers with Lutheran ideas, had spent time at Wittenberg, and they emphasized themes similar to his. So, too, did Simon Fish and Robert Barnes who, from England, stayed in close touch with the new theological currents flowing in north Germany and the Rhineland.[103] Thus Luther's teaching on the two *Regimente* found a fairly faithful echo in the first version (1531) of Robert Barnes's *A Supplication . . . unto the Most Gracyous Prynce Henrye the Eyght.* That work was marked by a firm emphasis on the separation of the temporal and spiritual realms and their respective systems of governance; by its insistence that kings are the ministers of God in the temporal realm and must never, therefore, be resisted by force; by its conviction, nevertheless, that they must humbly be disobeyed if they exceeded their bounds and interfered in spiritual matters. For "Christen men are bounde to obey in suffering the kynges tyranny, but not in consenting to his unlawfull commandement."[104] A comparable note is struck even more insistently by Tyndale in *The Obedience of a Christen Man and How Christen Rulers Ought to Governe* (1528), a book which Henry VIII is reported as having found understandably to be "a book for me and all kings to read."[105] There Tyndale denounces the intrusion of the pope and prelates into the temporal realm and their engrossing of lands, liberties, and jurisdictions as nothing other than a "wily tyranny which increaseth more and more daily." That tyranny kings should not hesitate to overthrow as a damnable derogation of their own divinely ordained authority. Was it not St. Paul's teaching that every soul should for conscience's sake be subject to the powers that be? From that injunction, neither pope nor bishop can claim any exemption "fore here is no man except, but all souls must obey."[106]

By 1534–35, however, after the king's decision to break from Rome and with the onset of the great war of propaganda that ensued, Barnes and in some measure Tyndale, too, had shifted their position somewhat and had come to envisage the king's authority as minister of God as extending now beyond the temporal to encompass the spiritual. In so doing, they were moving away from their earlier Lutheran emphasis on the strict separation of the temporal and spiritual realms and in a direction more congenial to the propagandists of the royal supremacy who, by and large, did not share their Lutheran sympathies. Indeed, no real theological concerns of any sort can be said to have perturbed the thinking of those propagandists whose works, with the vigorous encouragement of Thomas Cromwell, began now to dominate the arena of public debate in England and whose stance we will have occasion to address in a subsequent chapter.[107] In contrast, the evolution evident in the thinking of Barnes

and Tyndale appears to have reflected a fundamental shift in their theologies away from a strictly Lutheran position and in a direction parallel to that taken by Martin Bucer, Johannes Oecolampadius, and other Rhinelanders, one indicative of an emergent pluralism in the ecclesial tradition that Protestants were henceforth to shape.[108]

The Reformed Tradition and the Protestant Radicals of "the Left"

If we bracket for a moment the more radical departures of those sectaries who came to be called Anabaptists, the emergence within the nascent Protestant movement of ecclesiastical traditions other than the strictly Lutheran should not be taken to imply that the other leading Reformers did not look to Luther for inspiration or share his fundamental theological commitments or even, in some measure at least, his basic political orientation. Theirs, too, was a politics of sin and one that was profoundly scriptural and patristic in inspiration. Differences, nonetheless, there undoubtedly were—of nuance, certainly, and something more than that. Temperament, theology, timing, social and political context—all of these, and especially the two last, contributed to the emergence of those differences. While Huldreich Zwingli at Zurich, Martin Bucer (1491–1551) at Strasburg, and John Calvin at Geneva all adhered to Luther's doctrine of justification by faith, it did not occupy the central, controlling position in their theologies that it had in his. For him after all, it had been grounded in a transfiguring personal encounter with God's forgiving love in Christ and had entailed a conception of the Christian life as above all a free and joyful outpouring of gratitude to a supremely merciful heavenly Father. For them, though there were, of course, important nuances of difference among them, the bleak equations of God's election or rejection stood closer to the core of their thinking. The controlling position was occupied, accordingly, by something at once less experiential and more theoretical than Luther's basic intuition: the doctrine of God's unconditioned and controlling will. As a result, they saw the Christian life as a humble and painstaking posture of obedience to the divine will as it was revealed in the Scriptures. And that obedience they saw as extending not only to the norms of faith and moral living but also, and with great specificity, to matters of ecclesiastico-political life, practice, and discipline.[109]

In Zwingli's thinking, as a result, the sharpness of Luther's dualisms between the spiritual and temporal realms and between spiritual and temporal governance were softened. Princes were to be numbered among the "shepherds of the church." This authority, he

insisted, “is necessary to the completeness of the body of the church,” and “without civil government a church is maimed and impotent.”[110] His characteristic tendency, indeed, was to detect reverberations of harmony where Luther had heard only discord, to move toward reuniting what Luther had contrived to put asunder, and, sharply discriminating the invisible church of the elect from the visible, to identify the latter with the assembled civic community itself. Where the Gospel is preached, he said, and all including the magistrates heed it, then “the Christian is nothing else than the faithful and good citizen, and the Christian city is nothing other than the Christian Church.”[111]

By this stance, or so Robert Walton has argued, Zwingli simply “made explicit” what had been implicit in the cooperation with the magistracy from the beginning (1518) of his ministry at Zurich;[112] his position was, in fact, very much in harmony with the late medieval communalist tradition of that city whereby its civic government had come to wield a far-reaching power of jurisdiction over the affairs of the church. In this Walton’s argument parallels that of Bernd Moeller, who in a classic statement claimed that for Zwingli at Zurich as, indeed, for Bucer at Strasburg, the urban context in which they lived and worked helped mold their theology and accounts in part for the difference between their political and ecclesiological thinking and that of Luther. In effect, “to understand and appreciate the characteristics of their theology one must see it as the result of the Reformation message filtered through the actuality of the free city.”[113]

Zwingli, of course, might not have endorsed the intrusion of the magistrate into matters religious and ecclesiastical with quite so much ardor had he met in the process of the reform at Zurich the type of foot-dragging on the part of the civic authorities that Bucer had periodically to cope with at Strasburg or that Calvin had encountered during the first phase at least of his pastorate at Geneva. That notwithstanding, and periodic grumbling to the contrary, in his *De regno Christi* (*On the Kingdom of Christ*), itself the ripe fruit of reflection on a lifetime of reforming effort, Bucer managed still to view both state and church as instruments of the dawning kingdom of God. And he still felt moved to affirm his guiding commitment to their harmonious integration in the common task of religious reform: that of transforming their people into “devout and righteous” citizens “who rightly acknowledge and worship their God and who are truly helpful toward their neighbors.”[114]

Among the theological initiators of what was to crystallize into Reformed (as opposed to Evangelical) Protestantism, then, it was left to John Calvin to sound an unambiguous note of reserve about the role the temporal authorities wished to continue playing in matters

religious.[115] He not only emphasized in such matters the independence and superiority of the clerical authority, but he did so in so forceful a manner as to make that emphasis henceforth a distinguishing feature of the Reformed tradition and to evoke from hostile contemporaries and modern commentators alike sweeping comparisons between his Genevan ideal and the triumphalist papalism of the High Middle Ages. But the facts on the ground at Geneva were a good deal more complex than such dramatic comparisons might suggest. It is true that from the moment of his arrival there in 1534 Calvin did place a very heavy emphasis upon the independence of the ministers in discharging their duty of imposing a godly discipline on the inhabitants. He went so far as to propose an ecclesiastical ordinance that would have left in clerical hands the crucial power of excommunication, and he pressed his demands so vigorously as to bring about his own dismissal and exile. Even when he returned to Geneva in 1541, after the chastening experience of exile and the opportunity to learn at Strasburg from Bucer's more supple tactics, while he was careful to signal his respect for the political leaders he still pressed them to permit the restoration of "pure discipline." His persistence eventually paid off. In 1555, his moral authority and prestige having grown across time, he succeeded at last in gaining for the consistory of pastors and elders—the essentially ecclesiastical organ of religious and moral oversight—the full power of excommunication that the magistrates had previously maneuvered by careful qualifications to withhold.

As a result, it is perhaps understandable that his critics in the sixteenth and seventeenth centuries should have accused him of having compromised Luther's controlling emphasis on obedience to the temporal powers that be. Notwithstanding his struggle for clerical independence in Geneva, however, there is little reason in general, and with reference to the young Calvin none, for us to follow in their footsteps. In the final edition of his *Institutio christianae religionis* (*Institutes of the Christian Religion*), it is true, he did introduce a few ambivalent sentences. It is also true that in the dedicatory letter to Francis I of France which prefaced the very first edition (published in March 1536, prior to the start of his first ministry in Geneva), Calvin was bold enough, echoing St. Augustine's language, to insist that the "king who in ruling over his realm does not serve God's glory exercises not kingly rule but brigandage."[116] In that same edition, moreover, as in all subsequent editions of the *Institutes,* he followed in the footsteps of Zwingli and Melanchthon and, in a classic passage, evoked the example of the ephors at Sparta who, he said, "were set against the Spartan kings." "If there are now," he added, "any [comparable] magistrates of the people, appointed to restrain the

willfulness of kings, . . . [with] such power as the three estates exercise in every realm when they hold their chief assemblies," then it is clearly their duty, as divinely ordained protectors of the people, to oppose "the fierce licentiousness of kings."[117]

Such statements, quasi-constitutionalist though they may be, are tightly framed by a firm denial to private persons of any right whatsoever of forcible resistance even to oppressive tyrannical rulers. Tyrants, after all, may well be the instruments of God's wrath. We have the duty to disobey them should they command us to do what is wrong, but the consequences of that disobedience we are equally bound to accept without any recourse to violence. Such statements are framed also by a persistent emphasis on the veneration we owe to temporal rulers as God's "vicegerents," wielders of an authority grounded not in human perversity but in "the divine providence and holy ordinance," members of a calling that is "not only holy and lawful before God" but also the most sacred and by far the most honorable "in the whole life of moral man."[118] Such statements are framed, again, by an anxious and unremitting insistence that the new Gospel was not to be seen as an "opportunity for sedition," that Christian liberty was to be recognized as "in all its parts a spiritual thing," something "to keep within its own limits" and not to be misinterpreted and placed at the service of anarchy and licentiousness.[119]

Thus in August 1535 Calvin set out to reassure Francis I that Protestants were not "contriving the overthrow of kingdoms." He did so for good reason, writing, as he was, in the immediate aftermath of the Anabaptist attempt to establish by violent revolution a New Jerusalem in the imperial city of Munster. This was the dramatic incident which, even more than the Peasants' War of 1524–25, suggested the existence of a compromising link between Protestantism and sedition, and which succeeded in alarming not only the conservatives of the day but also the moderates. When Calvin subsequently excoriated the "outrageous barbarity" of those "fanatics" and tumultuous spirits who "furiously strive to overthrow" the civil government which God has himself ordained for our well-being, it seems clear that it was the Anabaptists and related radicals whom he had in mind.[120] The turbulent career of Thomas Müntzer and the later upheaval at Munster he viewed as accurately revelatory of the true and seditious intentions of such radicals. And in this he was at one with Luther and Zwingli before him, alarmed as they both had been by the sort of crusading apocalypticism that the radicals espoused. The latter's fervent belief that the kingdom of God was finally dawning on earth had found dramatic expression as early as July 1524, when Müntzer preached an extraordinary sermon in the presence of the

Duke of Saxony and his son. In common with one of the pamphlets Bernard Rothmann was to write in 1534–35 in defense of the "New Jerusalem" at Munster, Müntzer's sermon had focused on Daniel 2, a much-favored apocalyptic text relating the story of Nebuchadnezzar's dream and Daniel's interpretation describing the four great kingdoms of history culminating in the final indestructible kingdom which "the God of heaven will set up" and which "shall never be destroyed" (Dan. 2:44). Announcing that "the spirit of God is revealing to many" the imminent coming of a "decisive . . . reformation [accompanied by] great anguish," and insisting that "it must be carried to completion," Müntzer urged the princes not to hold back in that great, if violent, effort or to let themselves be deceived by "the false clerics and the vicious reprobates of the day." Among those false clerics, he struck out particularly at the Lutherans for teaching that "the princes are in respect of their office a pagan people . . . able to maintain nothing more than a civil unity." Did not Paul himself tell us in Romans 13 that the temporal ruler does not bear the sword in vain, that he is an instrument that God uses to visit his anger upon the wrongdoer? If the true reform is to be achieved, then, rulers must not hesitate to use the sword to "wipe out the godless," to pluck the weeds "out of the vineyard of God," to "eliminate the wicked who hinder the Gospel." Should they so hesitate, he warned, the sword would be "taken from them," for "the poor [laity of the towns] and the peasants" see the advent of the final kingdom far better than do they.[121] And, as if to underline this last point, Müntzer welcomed the Peasants' War as an apocalyptic sign, himself joining forces with the peasants at Mühlhausen in 1525 only to share their defeat and meet his own death.

Such views certainly did not die out with Müntzer or even after the demise of the "New Jerusalem" at Munster. The followers of Jan van Batenburg, indeed, pursued into the last quarter of the century a form of terrorist apocalypticism in north Germany and the Netherlands.[122] That represented, however, but one strand of Protestant radicalism and not the dominant one. Even Heinrich Bullinger, Zwingli's successor at Zurich and the man whose hostile account of Anabaptism did much to establish the durably negative stereotype linking it closely with violence, still perceived the real diversity in the movement overall.[123] The current disposition of many scholars, therefore, is simply to admit that diversity, to concede that among the Anabaptists themselves there was an almost bewildering plurality of traditions, to abandon as misleading the practice of labeling all radicals as "Anabaptists" and as futile the older attempt to trace them all back to a single source—whether it be north German or Swiss. Hence the tendency now is to assume that "the proper focus in the

history of Anabaptism is on interacting groups and sects rather than on a unified movement."[124]

Among those interacting groups and sects, whose combined membership may not have exceeded thirty thousand,[125] three principal "families" have been identified. The first can be traced back to Conrad Grebel in Switzerland (the "Swiss Brethren"), the second to Hans Hut and Hans Denck in south Germany and Austria, the third to Melchior Hoffmann and Jan Matthjis in north Germany and the Netherlands. Among these families there were complex crosscurrents, affiliations, and disagreements, but in origin and in some measure in their particular inspiration they appear to have been distinct. While it was the religious and political upheaval engineered by the Magisterial Reformers that liberated their spiritual energies, those energies were fueled in some cases not so much by the religious concerns characteristic of those great Reformers but by motifs that were, in fact, late medieval in provenance—whether mystical, apocalyptic, or simply anti-clerical or, alternatively, by the heartfelt desire, grounded in simple biblical literalism, to recover the type of moral purity taken to be characteristic of the apostolic church but unattainable even in the new but already compromised established churches of the Reformation. Widespread among them all, though variously grounded, theologically speaking, was a strikingly un-Protestant emphasis on the role of free will in the process of salvation. Similarly widespread was a view of the visible church on earth as a church of the pure, a voluntary community made up only of the truly regenerate, of men and women the holiness of whose individual lives attested to their possession of a conscious and transformative faith and who by accepting as adults Christian baptism publicly attested to their regeneration. Along with that went also a concomitant tendency to separate not only from the established ecclesiastical bodies of the day, Protestant no less than Catholic, but also from involvement in the coercive instrumentalities of political society.

That move toward separatism was at first no more than a mere tendency. Even apart from those apocalyptic zealots who were willing to resort to revolutionary violence in order to inaugurate the rule of the saints, there were other radical leaders—as in the Netherlands, south Germany, and Switzerland—who were willing to urge their followers to participate in the political order, to elect magistrates with comparable religious ideals, or, as in the case of the Swiss Anabaptist Balthasar Hübmaier, even to endorse a vision of the relationship of church and state close to that of Zwingli himself. Only in February 1523, in the historic formulations of the *Schleitheim Confession,* did the Swiss Brethren themselves accept Michael Sattler's teaching of nonresistant, separatist apoliticism.[126] Only in the late 1530s did the

Hutterites rally to the same standard; only in the 1560s, after the death of Menno Simons, did the Mennonites, who traced their origins back to the Melchiorites of north Germany and the Netherlands, fall finally into line.

Rather than in their origins, then, it was at the term of their development that most of the radicals of the Reformation came to acknowledge the *Schleitheim Confession* as a normative statement of their beliefs and to coalesce into those apolitical Anabaptist congregations that manifested so clearly the features that the historical sociologist Ernst Troeltsch ascribed to the tendency within Christianity that he labeled, in ideal-typical fashion, as the "sect-type." Friend and admirer of Max Weber, Troeltsch concluded that in the course of its historical career Christianity had found expression not in one type of socioreligious organization alone but in three. These he called "the church," "the sect," and "mysticism."[127] And he depicted the sect-type as emphasizing less the exploitation of the sacramental channels of grace than the rigors of moral striving, demanding of its members the type of exacting commitment to which the many may periodically aspire but only the few can long sustain. As a result, the sect is of necessity a voluntary society that deemphasizes its sacramental powers and eschews, accordingly, all talk of institutional holiness. Instead, it stresses the subjective holiness of its individual members and seeks to protect the purity of their moral commitment by imposing very strict criteria both for admission into the fellowship of believers and for continuing membership thereof.

Hewing closely in their public no less than their private lives to the New Testament ethic at its most exacting, these Anabaptists, then, affirmed their adhesion to the voluntary church of the regenerate. Entry into its ranks was to be by adult rather than infant baptism which was to be given only to "those who have learned repentance and amendment of life and who believe truly that their sins are taken away by Christ." The purity of the commitment involved was to be sustained by a stern discipline guaranteed in the last resort by the imposition of the ban but nourished on a day-to-day basis by a policy of withdrawal "from Babylon and the earthly Egypt" and from "fellowship with the wicked." Separation, that is, not only from "all popish and anti-popish works and church services, meetings and church attendance" but also from all bearing of arms, taking of oaths, recourse to the courts of law, service as magistrate, involvement in civic affairs in general. The sword of temporal authority is certainly divinely ordained, not, however, for the regenerate who have no need for it, but for the curbing and punishment of the wicked, who certainly do. It is ordained, in effect, "outside the perfection of Christ." Unlike Luther and Zwingli, therefore, true Christians were not to

accept the protection of the sword, much less, like Müntzer and his followers, resort to it in the name of the Gospel.[128]

Michael Sattler's endorsement of this type of nonresistant separatism and the later rallying of other Anabaptists to the same apolitical standard both bear witness to the revulsion they themselves had come to feel for the revolutionary violence resorted to by Müntzer in 1525 and by the followers of Jan Matthjis at Munster in 1534–35. But they reflect also the bitter experience of persecution and their repeated failure to gain for their proposed reforms the sustained support of the political authorities. Understandably enough, the essentially apolitical type of stance to which they eventually found their way was to make its mark on the history of political thought only indirectly, and then only a full century later and in England where the Anglican Separatists, having first groped their way to (or adopted from their more radical forerunners) the sectarian idea of the church as a free and voluntary society of believers bound together by promise and consent, were led, in the mid-seventeenth century and amid the turmoil of religious unrest and outright civil war, to apply to the civil polity the same individualistic, consensual, and implicitly contractarian model. But long before that, as we shall see, mainstream Calvinists themselves, confronted in Scotland, France, and England by the religious intolerance of the confessional state and borrowing freely from their Catholic forebears, had broken with Calvin's own controlling doctrine and come to embrace the notion that oppressed Christian subjects possessed, under certain conditions, a right of legitimate resistance to the powers that be.[129] And once they had done so, the course followed by political thought in the Reformed branch of Protestantism finally broke free from the narrowly scriptural channels to which the Magisterial Reformers had largely confined it and began to find its way back to the familiar and broader medieval channels from which it had earlier departed.

5. The Politics of Deference

Old Regal Sacrality and New Divine Right of Kingship

WHEN THE FORM of theopolitical thinking elaborated by the Magisterial Reformers was modulated in such a way as finally to burst the banks of the essentially scriptural channels to which they had sought to confine it, what eventuated was no startling novelty but rather a return to the mainstream of European political thinking as it had made its way down through the later medieval centuries and was destined now to flow on into the early modern world. But it must be emphasized that that mainstream, with its turbulent currents and countervailing crosscurrents, was itself characterized by considerable complexity. If, at one level or another, it carried with it the stubborn belief in the sacrosanct nature of the customary provisions embedded in the "ancient constitution" imposing traditional limits on the reach of royal power and serving accordingly to protect a range of individual "liberties," it also bore the more precise and increasing concern with individual subjective rights that was destined, during the course of the seventeenth century, to rise to the very surface of political life. Along with it, again, it bore an even stronger concern with the role of consent in the origin and (increasingly) the legitimation of political authority and, with that, the concomitant endorsement of the right of oppressed subjects to resist monarchical tyranny, if need be by resort to force. At a deeper level it bore with it, also, an affiliated adhesion to one or other version of the tradition of natural law discourse that stretched back all the way to the Hellenistic era. And perhaps more remarkably but at the deepest level of all, it carried on into the early modern era a continuing sympathy with that age-old vision of the royal institution and its sacral grounding which, in its global reach and millennial endurance, can lay strong claim to represent nothing less than the theopolitical commonsense of humankind. It will be our purpose to address these currents and crosscurrents in the remaining chapters of this volume. We will begin at the deepest level of all, starting with the monarchical tradition and the development it underwent during the period stretching from the fourteenth to the early seventeenth centuries. In so doing, we will

concern ourselves with three main issues. First, the survival and intensification across time of the way in which kings were seen to be sacred, charged of course with responsibilities that we ourselves would readily classify as "political" but functioning also as quasi-priestly figures inhabiting the shadowy margins of the order of redemption. Second, the extended and Europe-wide crisis that overtook kingship, the papal no less than the temporal, in the late fourteenth and fifteenth centuries, nudging popes for a while into an attempt to establish with secular princes a common front against the threat of what they portrayed as populist sedition, thereby stimulating the further penetration of high papalist notions of absolute monarchy into a new and growing body of theory about kingship at large. Third, the theoretical modulation whereby, in the sixteenth and seventeenth centuries, the age-old tradition of sacral kingship came to be wedded to more novel notions of "absolute" monarchy in the form of what we know today as the "Divine Right Theory of Kingship."[1]

Priestly and Magic-Working Kings: The Continuing Resilience of Regal Sacrality

As I have affirmed in the general introduction to all three volumes in this series, my fundamental premise throughout has been the firm (if somewhat bemused) conviction that sacral kingship, prevalent in one or other form in cultures existing quite independently of one another right around the globe and in almost every historical era since the fourth millennium BCE, represents the nearest thing identifiable as a "political," or, better, theopolitical norm in the vast array of human societies studied by historians, anthropologists, and experts in comparative religion. That conviction once embraced and permitted to stand in the forefront of one's consciousness, a shift in perspective ensues, and the brief era of the Athenian polis in classical Greece or the Roman republic farther to the west or, for that matter, the evanescent flowering of republican institutions and effulgent republican rhetoric in Renaissance Italy—to all of which historians of European political thought have devoted an enormous amount of attention—cannot but take on the appearance (as Cerfaux and Tondriau once put it) of mere "republican parentheses," quasi-participatory islands surrounded by an engulfing monarchical sea. It was not, after all, republican institutions or ideas that early medieval Europe inherited *directly* from Mediterranean antiquity but the latter-day philosophized version of archaic regal sacrality that we know as the Hellenistic philosophy of kingship. That theopolitical view of things had long since come to be enshrined in Roman imperial

ideology and even generated some distant harmonics in a few of the texts that the emperor Justinian's legal commission had gathered together in the great juristic classic that we know as the *Corpus Juris Civilis.*[2]

Such were some of those "old empty bottles of Gentilism" that Thomas Hobbes was later to describe Christian antiquity as having filled up again "with the new wine of Christianity" that could not fail in the end "to break them." That final breakage came about, however, with surprising tardiness, after long centuries of fluctuating accommodation and only in the early modern period. Thus, in the first volume of this series, we highlighted the success with which the old pagan melodies of regal sacrality were transposed into a Christian and, even, specifically Christocentric key. And, in the second, while we acknowledged the fact that the frontal assault which the Gregorian reformers launched in the late eleventh century against the traditional ideology of "priest-kings and emperor-pontiffs" did indeed have the effect of depriving it of the self-evident status it appears earlier to have enjoyed, we noted, too, that it failed in the end to eliminate it. Subsequent clerical efforts to diminish the significance attaching to the consecration and anointing of emperors and kings and to deny to them any quasi-priestly status met with distinctly mixed results. As late as 1318, Pope John XXII still felt it necessary to insist once more that royal unction was not a sacrament and that it left, therefore, no permanent mark on the soul. And by that same time, two centuries of disdainful ecclesiastical silence on the neuralgic practice whereby the French and English kings claimed to exercise quasi-magical curative powers by touching those suffering from what appears to have been a range of maladies loosely described as scrofula or "the king's evil" had done little either to curb that practice or to marginalize the widespread ascription to those monarchs of quasi-supernatural or priestly status. As the fourteenth and fifteenth centuries wore on, indeed, such views and interest in that practice appear, if anything, to have intensified (as also, for that matter did the "material" focus of late medieval piety at large), and the earlier stance of ecclesiastical aloofness began, in effect, to crumble.

Thus, in the mid-fourteenth century, even a theologian of the stature and skeptical disposition of William of Ockham could casually acknowledge the possession of curative powers by the French and English monarchs and argue about whether or not they derived from the infusion of divine grace received through the ceremony of anointing. Similarly, in the late fourteenth century and on into the fifteenth, other prominent clerics did not hesitate to acknowledge that kings were something more than laymen. Thus John Wycliffe who, in 1379, classified royalty as an "order of the church" (*ordo in ecclesia*);

Jean Gerson who, in 1391, addressed Charles VI of France as "Most Christian King, miraculously consecrated king both spiritual and priestly"; Pierre d'Ailly, his former teacher, who in 1406 described the French king not only as sovereign in his own kingdom in matters temporal but also as "une personne moyenne entre spirituelle et temporelle"; and Nicholas of Clamanges who, in the early fifteenth century, assured Henry V of England that it was by divine ordination and via the sacred anointing with chrism that Christian kings were to be viewed as "holy, after the likeness of priests."[3] Not only were such views aligned with stubbornly enduring conceptions of royal sacrality among the populace at large, they also found favor with courtiers and kings themselves. In a charter dating to 1380, Charles V of France "explicitly put himself forward as a worker of miracles," the first time, according to Bloch, that a Christian king had done that.[4] Of him, his court writers employed the most exalted language, and he himself quite self-consciously promoted his own sacral status. He was at pains to assemble a great collection of books on matters governmental in general and on kingship and its sacral dimension in particular. Notable among those works was the *Traité du sacre* composed for the king in 1372 by the Carmelite friar Jean Golein. In that tract, Golein focused on the anointing of the king with a sacred balm believed to have been delivered from heaven during the baptism of Clovis, first of the Merovingian kings. That royal unction Golein represented as witnessing powerfully to the fact that the king's authority derived from God. Beyond that, it was the source not only of his miraculous curative power but also of grace dispensed in such a way as to "cleanse" (*nettoie*) him from his sins and to transform him into a species of priestly figure. And that priestly status is very much on display in the program of miniatures preserved in the *Coronation Book of Charles V* which provides, in effect, a visual record of the king's coronation and anointing in 1364. Charles V's own personal adhesion to such views, moreover, is reflected in the fact that he was to wear "a cap throughout his life to preserve the [trace of] oil received at his coronation from any earthly contact."[5] And Jacques Krynen, following in this the trail blazed by Marc Bloch, has laid great emphasis on the importance that royal ideologists from the time of Charles V onwards saw attaching to the French king's sacral status as "roi très chrétien" and to the miraculous marks of divine favor believed to have been shown toward the royal dynasty: not only the king's curative powers but also the holy *ampoule* of balm used in the anointing of the king and delivered to St.-Rémi from heaven by a dove, the fleur-de-lys of the royal escutcheon likewise claimed from the mid-fourteenth century onwards to have been of supernatural origin and, with it, the oriflamme, the royal standard kept at Saint-Denis but unfurled by the

Capetian kings whenever they embarked on a military campaign. For Frenchmen in the fifteenth century these things attested, Krynen says, to "the exceptional place that the French monarchy occupied in the divine plan" and underlined the fact that the French king ruled by divine right and not in virtue of some sort of contract with his people. To this "royal religion," he concludes, now rallied not only people like the jurist Jean de Terrevermeille, whom he characterizes as surely "the most fanatical of the apologists for the monarchy," but also French intellectuals at large who did so with an adhesion that was "massive and enthusiastic."[6]

Meanwhile, in England, in his roughly contemporaneous *De officio regis,* Wycliffe, as we have seen,[7] asserted that the king was the Vicar of God in matters temporal and, as such, was owed almost unlimited obedience. He argued (in this like Jan Hus in Bohemia) that the king, reflecting the divinity of Christ, was superior in dignity to the priest, who reflected only Christ's humanity. In so doing, though he attributed the position incorrectly to St. Augustine, he was in fact echoing the particular high-regalist view going all the way back to the fifth-century author whom we know as "Ambrosiaster" and developed classically by the Anglo-Norman Anonymous in the early twelfth century.[8] And although there is no evidence to suggest that Richard II (1377–99) drew on Wycliffite ideas, that ill-fated English monarch seems firmly to have believed in the divinely conferred nature of his royal office, in the unquestioning obedience owed thereby to him, and in his freedom from those restraints on the exercise of royal power that Englishmen had over the centuries come to view as customary. Hereditary succession and royal unction (which he clearly viewed as a sacrament) witnessed in his view to his divine right to rule. There is every reason to believe that the moving speech which Shakespeare, writing two centuries later, puts in his mouth does indeed reflect Richard's sincere conviction that

> Not all the waters in the rough rude sea
> Can wash the balm from an anointed king;
> The breath of worldly men cannot depose
> The deputy anointed by the Lord.
>
> *(Richard II, act 3, scene 2, lines 54–57)*

Until his death, then, and despite his deposition in 1399, he continued to view himself, by virtue of his unction, as the true king of England.[9]

If Shakespeare's words in *Richard II* succeeded in capturing sentiments prevalent two centuries before he wrote them, in common with his evocation in *Macbeth* of "the healing benediction" practiced by the English kings, they appear to have expressed just as accurately

sentiments widely prevalent among his late sixteenth- and seventeenth-century fellow countrymen. All too accurately, perhaps, as the parliamentary commissioners discovered to their dismay as they escorted Charles I back from Scotland to England in the wake of the civil war. For they had to cope with the embarrassing fact that even in defeat he was sought out by mobs of sufferers seeking the miraculous relief that they believed his curative royal touch could afford.[10] At the official governmental level things were not quite so clear. In some circles the seepage of Calvinist doubt contrived to cast a skeptical shadow across any calmly traditional acceptance of the royal magic. While James VI of Scotland after he became James I of England continued the English royal practice of touching for the king's evil, he seems to have done so uneasily, and William III after acceding to the throne in 1689, and in this like his Puritan predecessors during the interregnum of 1649–60, dismissed the whole practice outright as a piece of rank superstition. Others, however, appear to have harbored no such doubts, certainly not Charles I himself, who took it as testimony to the sacred nature of his office and during whose reign (in 1633) a liturgy for the ceremony of the royal touch was inserted into the Book of Common Prayer.[11] After the Restoration, moreover, Charles II was so assiduous in his touching of the hordes of sufferers who flocked to him as to suggest that he was moved by something more profound than the simple desire to avoid being forced to embark on his "travels" again. The huge numbers of sufferers he touched during part of his twenty-five-year reign (more than 90,000), amounted, indeed, when averaged out, to an astonishing twelve per day, day in and day out.[12] Among his successors James II continued the practice, which Queen Anne (1702–1714) was to resume once more, numbering among the sufferers to whom she sought to bring relief none other than the young Dr. Johnson. But no whiff of sacrality was to attach to her fustian Hanoverian successors, and after her reign the practice ceased in England. It was left, on the Continent, for the Stuart pretenders, hungry for legitimacy, to prolong the practice on into the early nineteenth century. And the French kings, of course, despite the progressive and accelerating desacralization of their office, kept at it manfully, if intermittently and in the teeth of Enlightened scorn, right across the Century of Light and down to 1789. Even after the Bourbon restoration in 1815, true believers in legitimacy at the royal court succeeded in 1825 in rounding up an appropriately vetted group of sufferers and in persuading an extremely reluctant Charles X to revive the practice. But that proved to be a solitary and final episode. With it, that particular expression of the "royal religion" came now to a definitive end.[13]

The Crisis of Kingship, the Great Challenge to the Regal Papacy, and the Emergence of Secular High-Monarchical Theory: The Witness of Antonio De Roselli

However marginal or peculiar such phenomena may appear to us today, they should not be permitted to escape our attention altogether. They reflect, after all, that powerfully formative complex of "assumptions and beliefs [existing] at a level far deeper than political theory."[14] And they serve to remind us of the sheer tenacity with which the archaic commonsense concerning the sacral dimension of kingship clung to life down into the early modern centuries. But it would doubtless be quixotic to dwell on them at any greater length. Time now, then, to return to more familiar intellectual shipping lines, those plied more commonly and assiduously by historians of political thought. And when one does precisely that, and thinking again of Richard II, one encounters the fact that English historians have sometimes been moved to speak of his deposition as "the revolution of 1399." That almost certainly exaggerates the dimensions of the change involved in the substitution of Lancastrian for Plantagenet. But it may serve usefully to draw to our attention the fact that the better part of the century ensuing did constitute a period of crisis for the English monarchy. Indeed, it did so for most of the European monarchies. The kingdoms of Poland and Portugal proved to be exceptions to the general rule, but for kingdoms elsewhere it was so markedly a time of troubles that one historian of the era has been moved to speak of "the fifteenth-century crisis of the monarchies."[15] Thus right down into the latter part of that century France reeled under the destabilizing impact of a period of royal insanity, exacerbated by the ravages of the Hundred Years' War with England, and England, after that, had to cope with the illness of Henry VI, dynastic crisis, and the subsequent Wars of the Roses. Meanwhile Spain suffered, among other things, from the protracted and disastrous failure of royal leadership in Castile under Juan II and Enrique IV, and in central Europe princely weakness, peasants' revolts, class conflict, Hussite-inspired rebellion compounded the threat posed from the east by the remorseless pressure of the Ottoman Turkish conqueror. Almost everywhere, then, though for a variety of reasons specific to the given region, kingdoms fell into disarray and the very institution of kingship was thrown on the defensive.

Of great significance was the fact that that proved to be true even of the papal monarchy which, having first launched a frontal assault on notions of "priest-kings and emperor pontiffs," had itself developed

into the greatest sacral kingship of them all and which, as we have seen,[16] possessed unlike the temporal monarchs of Europe a powerful and well-articulated body of monarchical theory. That body of theory vaunted the absoluteness of its power and sought to vindicate its sovereign sway over the corporate body of the universal church. Further than that, and as we again have seen, papalist hierocrats had not hesitated to depict the papal monarch as the very source from which all jurisdictional power within the church flowed, not excluding that of bishops themselves, and had boldly proclaimed his possession of an altogether direct power in matters temporal over the temporal rulers of this world, the emperor himself not excluded. It was the pope alone who was the true "minister of God"; the emperor, in turn, was but the "minister of the pope," his vicar in matters temporal. By mid-fourteenth century, however, the papacy's protracted exile (1309–77) from Rome to the city of Avignon, on the very border of the French kingdom (Petrarch dubbed it derisively as the "Babylonian Captivity"), had begun to take the shine off such sweeping claims and to undermine their very credibility. And that demythologizing process was understandably accelerated after 1378 when a disputed papal election led to the onset of a forty-year schism which saw first two and then three rival lines of claimants competing scandalously for the papal throne. Europe came to be divided, accordingly, into competing papal territorial "obediences." The papal office was itself drawn into the political disarray that marked the era, and it was forced to struggle for its survival amid the shifting diplomatic configurations that characterized the temporal politics of the day.

Nor did the definitive ending of the schism in 1418 with the election of Pope Martin V (1418–31) bring with it any soothing return to the earlier status quo. So far as the sweeping monarchical claims of the papacy were concerned, that restoration of unity was bought at great price. After diplomatic maneuver, attempts at arbitration between the claimants, and resort, even, to armed coercion had all failed to end the schism, it had been left to a general council assembled at Constance (1414–18), the greatest of all medieval representative assemblies, to achieve the desired goal. But it did so only after embracing in solemn legislation (*Haec sancta,* 1415, and *Frequens,* 1417) the constitutionalist claim that the general council (all such councils, not simply Constance itself), in virtue of the fact that it represented the universal church and wielded the divinely conferred authority that resided ultimately in the entire body of the faithful (*congregatio fidelium*), possessed, acting alone and apart from the pope, a jurisdictional or governmental power superior in certain broadly defined critical cases to that of the pope alone. By virtue of that power, exercised via regularly assembled general councils, it claimed

the right to impose constitutional restraints on the papal exercise of power and, if need be, to go so far as to judge, punish, and even depose a recalcitrant pontiff.[17] All of those things were in fact done at Constance, and the pressure on the papacy was renewed in more unrestrained form at the subsequent Council of Basel (1431–49). While the legitimacy of the church's monarchical constitution was not itself challenged, the papal monarch's customary mode of operation and some of his long-standing prerogatives were called, intrusively and aggressively, into question.[18]

The conciliar movement, and with it what amounted to a great attempt to engineer a constitutional revolution in the universal church, is usually regarded as having met its decisive defeat when the Council of Basel came to an end in 1449. All too often overlooked, however, is the fact that the papal victory was won at the price of conceding to what amounted to a constitutional revolution of another type, one that proved to be determinative for the whole subsequent history of the papacy all the way down into the twentieth century, and one that generated important reverberations in the subsequent development of political thinking at large. Even before the outbreak of the schism some secular rulers (and notably the kings of England) had begun the process of asserting their jurisdiction in an increasingly direct fashion over the provincial churches falling within the territorial boundaries of their kingdoms. In so doing, they were working to reverse a tide that had been flowing in the opposite direction ever since the late eleventh century, when the Gregorian reformers had mounted their campaign to liberate the provincial churches from imperial or royal control.[19] The year of schism and its aftermath, however, came to mark a critical phase in that process of reversal and, with it, the disintegration of what had been under papal governance a genuinely international church into a congeries of what were, de facto if not de jure, national and territorial churches dominated by kings, princes, and the rulers of the city-states like Venice and Florence. For the concordats and agreements that Martin V and, after him, Eugenius IV were forced under financial and diplomatic pressure to conclude with the various temporal rulers of Christendom involved nothing less than the parceling out of the pope's sovereign authority over the universal church or, at least, a negotiated division of that authority between pope and temporal ruler. Caught up in a life and death struggle with the conciliarists of Basel and casting around for support from temporal rulers, Eugenius IV proved all too willing to promote the process of establishing those rulers as masters of their respective churches so long as they were in turn willing to refrain from supporting the council's program and the threat of reform in head and members that went with it. For the pope, it seems,

enjoyment of a theoretically supreme authority over the universal church mattered more than possession of the actual substance of jurisdictional power.[20]

That being so, and as it struggled to overcome the great constitutional challenge posed by the conciliarists, the papacy came to be cast for much of the fifteenth century, and, indeed, to cast itself, less in its traditional role as the unique wielder of a superordinate power in Christendom than in that of a mere territorial prince among princes or, at most, of one monarch among many. And that crucial shift helped encourage, in turn, the crystallization of the body of monarchical theory that was so marked a feature of the landscape of political thinking during the late fifteenth and early sixteenth centuries.[21]

Here what seems to have been the precipitating factor was the intrusive and highly threatening nature of the challenge which the conciliarists at Basel handed down to Eugenius IV. If they certainly endorsed the Council of Constance's subordination of the person of the pope to conciliar judgment, they threatened also to extend that subordination to the papal office itself. Reform for them extended to the brusque elimination as abuses in the exercise of papal power, judicial as well as fiscal, of practices that had long been assumed to flow from unquestionable papal prerogative. Even more pertinent to the future course of political thinking was the fact that the conciliar challenge was itself grounded in considerable measure on natural law assumptions concerning the ultimate authority residing in political communities at large. And those assumptions had a deep resonance for the late medieval political world in general and for notions about the origin and reach of monarchical authority in particular.[22]

Thirty years earlier, when in an attempt to end the schism by pressuring the Avignonese claimant Benedict XIII to enter into negotiations with his Roman rival, the French court had embarked upon a "withdrawal of obedience" from Avignon, the supporters of Benedict had raised the specter of such a tactic's bleeding over into a pattern of civil disobedience and rebellion directed against the authority of temporal rulers as well.[23] At the time that charge failed to gain any real intellectual or diplomatic traction. In the wake of the Hussite rebellion in Bohemia, however, and the disastrous defeat of an anti-Hussite crusade in 1431, such fears of a spreading stain of populist insurrectionary sentiment had come to seem a good deal more credible to those in positions of temporal power than had been the case at the turn of the century. Whether or not they themselves really shared such fears, Eugenius IV and his supporters certainly chose to embark upon a vigorous diplomatic and propagandistic campaign to promote and exploit them. They did so by attempting to

align the interests of the temporal rulers with those of the beleaguered papal monarch, depicting the Baselian conciliarist program as constituting a *populist* assault not simply on the papacy but on the very principle of monarchical rule itself.

In this effort Eugenius IV himself led the charge. He did so in what has usually been referred to as his *Libellus apologeticus* (1436)—in effect, a self-justificatory memorandum placed at the disposal of the papal envoys as they sought to wean secular rulers from support for or sympathy with the Council of Basel. In it, he mounted an extended critique of the "scandalous" steps taken by that council (such as its renewal of the Constance decrees *Haec sancta* and *Frequens*), and, more important for the unfolding of fifteenth-century political thinking, he sought to portray the Basel reform movement as something of a populist revolt of the lower clergy against the papal monarchy. It constituted, he said, a precedent that could be "most dangerous [*valde perniciosum]* for the whole estate of Christian princes, since in a similar way, their [own] people, if assembled together, could claim to hold power over them." Similarly, in the following year he wrote directly to rulers at large evoking the "scandals and divisions" for which the Baselian conciliarists were responsible, which, he asserted, would inevitably spread from "the ecclesiastical sphere" into "kingdoms, principates and temporal dominions."[24] The same refrain was picked up and replayed insistently by such papal intimates, supporters, and propagandists as Antonio de Roselli and Juan de Torquemada and exploited in their dealings with the secular monarchs of Europe by such papal diplomats as Piero da Monte and Pierre de Versailles.

Thus, while Roselli did not explicitly evoke the alignment of emperor and pope in a "common front against the democratic ideas of the conciliarists," "there remains no doubt"—or so Eckermann has claimed—"that this was the meaning of his whole tract . . . and the key to the understanding of . . . [his] *Monarchy*."[25] Something similar can be said of Torquemada, who urged temporal rulers to recognize the subversive potential of the doctrines being urged by the conciliarists which not only fomented "sedition against the pope, but also . . . sedition and subversion for the rule of all sovereign princes."[26] As for the related diplomatic offensive, it should suffice here to note that, if we can take at face value the testimony of the Venetian Piero da Monte, a staunch monarchist, the Eugenian claim that Basel posed a populist threat to "every kingdom, every province and region, all cities and peoples—the whole world" found responsive echoes in European political circles, at the court, for example, of Henry VI of England.[27] In pursuing this diplomatic tactic, Eugenius and his partisans were careful to bracket for the time being the old

papal pretension to some sort of jurisdictional superiority even in matters temporal. Instead, they cast the pope in more user-friendly guise as the beleaguered champion of the monarchical principle itself, which they portrayed, in its temporal or secular no less than in its spiritual form, as being now under outright attack by the allegedly "populist" conciliarists who had seized control of the proceedings at the Council of Basel.

It is difficult to gauge with any degree of confidence the extent to which such abstract arguments really helped move secular rulers away from outright support of Basel or from a posture of studied neutrality vis-à-vis the competing parties, papal and conciliar. In the crucial case of Emperor Frederick III and the German princes, their final decision to abandon neutrality and recognize the authority of Eugenius IV appears to have been "characterized by a concern for concrete advantages in dynastic politics and very little by abstract political principles."[28] What is reasonably clear, however, is that the papal diplomatic and ideological offensive, with its assimilation of the principles characteristic of the papal monarchy to those undergirding the monarchical institution at large, its tendency to attribute to emperor and king alike a "fullness of power" analogous to the papal *plenitudo potestatis,* its emphasis in general on the parallelism between papal and royal power, did help forward or accelerate the process whereby principles and ideas long since embedded in the canonistic or pro-papal publicistic literature exploring and elaborating the prerogatives of the papal monarch now found their way into the growing body of theorizing about monarchy in general and secular monarchy in particular.

As we shall see, the fallout from this way of thinking is by no means evident in all of those who came in the fifteenth century to theorize about monarchy. Sir John Fortescue, for example, is something of an exception. But it is certainly evident in such authors as Aeneas Sylvius Piccolomini (humanist, onetime conciliarist, future pope), Piero da Monte (civil and canon lawyer, papal diplomat), Juan de Torquemada (theologian), and Antonio de Roselli (civil and canon lawyer, papal adviser). Thus, for example, Piccolomini could depict the emperor as "holding the place of God in temporal affairs just as the pope does in spiritual." Similarly, Piero da Monte could also emphasize the analogy between pope and emperor, and Torquemada could proclaim "monarchical sovereignty as a universal principle with the pope simply being the church's sovereign prince."[29] But it is, perhaps, in the *Monarchia* of Antonio de Roselli (c. 1380–1466), himself very much a product of the Romano-canonical juristic tradition and writing, as he did, about papacy, empire, and kingship in general, that such pope-king parallelisms are most insistently

evident.

The dauntingly hefty, if somewhat loose-limbed, work of his that we know as *Monarchia sive Tractatus de potestate imperatoris et papae* (*Monarchy: A Treatise Concerning the Power of the Emperor and Pope*) and which occupies no less than three hundred folio pages in the most recent edition (1611), was first printed at Venice in 1487, but it owes both its title and seemingly coherent division into five parts, each subdivided into multiple chapters, not to the author himself but to the editorial decision of Melchior Goldast in the early seventeenth century.[30] In attempting an interpretative encounter with the work, it is also important to be aware of the fact that in the form in which it has come down to us it is something of a pastiche. Under the overarching title posthumously attached to it, it incorporates a somewhat disparate collection of pieces written (or rewritten) for different purposes, under differing circumstances and at different moments. Those moments range from the early 1430s, when Roselli was serving as a consistorial advocate at the papal curia and was deeply involved as a papal publicist in the propaganda campaign directed against Basel, to the mid-1480s, when he was teaching canon and civil law at the University of Padua and devoting time also to revising and reshaping for new purposes materials he had composed earlier on.[31]

The mode of composition (and assembly) of the *Monarchia* and its concomitantly composite nature inevitably interpose obstacles in the way of its successful interpretation as a whole. They are particularly pertinent to a feature of Roselli's thinking that has sometimes exercised commentators: namely, the fact that in common with many another "papalist" of the post-Basel era (in the early sixteenth century Cardinal Cajetan himself not excluded), he embraced a form of papalism that is somewhat more nuanced or qualified on the neuralgic pope-council issue than had been typical in the earlier period and would again become the case as the sixteenth century wore on.[32] But, then, it has to be realized that in Roselli's day the unqualified version of papalism was hardly a viable option, given the fact that the very legitimacy of Eugenius's title was seen to depend upon the legitimacy of the actions taken at Constance.

To this specific issue I will be returning in a subsequent chapter,[33] and it need not detain us here. In what follows, my focus must properly be on what Roselli has to say about monarchy in general and upon his evocation of the parallelisms he thought to exist between the papal monarchy and its imperial counterpart. For the identification of such parallelisms constitutes, as it were, one of the bridges across which the sophisticated monarchical ideology which the canonists and others had long since developed in relation to the papacy was to make

its way into European thinking about monarchy in general. As Antony Black has properly insisted, the secular rulers who in the latter part of the fifteenth century were intent upon expanding their monarchical power did not have to wait for the arrival of Jean Bodin's teaching on sovereignty to hit upon "the basis they required in legal and political theory." By their aggressive universalizing of the claims long since made for the papal monarchy, Eugenius IV's publicists, Roselli not least among them, had already served to make the necessary "justifying ideology" readily available.[34]

What made that possible in Roselli's case—and despite his "papalism"—was the clarity and force with which he had rejected the traditional hierocratic claim that the emperor's power, and indeed the power of temporal rulers in general, while it was ultimately of divine derivation, was mediated to the incumbent via the papacy. Instead, he had insisted, Caesar's universal *imperium* having predated the church's very existence, that just as the papal power stems directly from God so, too, does the imperial.[35] While, in the case of imperial heresy, the pope could subject the emperor to his coercive power, so, too, in cases of papal heresy, and in this like the emperor Sigismund at the Council of Constance, could the emperor play a supportive role in bringing the pope to conciliar judgment.[36] Thus, the imperial authority cannot be said to follow from the papal; instead, the two powers in their operation are "altogether separate and distinct" (*penitus sunt operationes separatae atque distinctae*).[37] But if they are indeed powers that are separate and distinct one from another, they are also powers that in the absoluteness of their reach parallel each other. Thus, speaking explicitly of emperor and pope (*papa vel Caesar*) and, indeed, of princes in general, Roselli invokes the Roman legal tag to the effect that what pleases the prince has the force of law (*quod principi placuit legis vigorem habet*), and he seems to be suggesting that the prince (pope, emperor, king) is *legibus solutus,* or freed from the law.[38] He appears to be underlining that fact when he invokes also the distinction between the "absolute" and "ordained" power (*potestas absoluta* and *potestas ordinata*). This was the distinction that Hostiensis, the great high papalist canonist, had introduced from theology into canon law in the late thirteenth century by way of emphasizing the degree to which the papal power was analogous in the extent of its reach to the very power of God himself.[39] Roselli argues, accordingly, that by "his absolute power or certain knowledge" (*de absoluta potestate vel de certa scientia*) the ruler can go beyond the normal order laid down by the positive law and, if need be, act to remedy its defects.[40]

In her analysis of Roselli's thinking, Eckermann nowhere cites explicitly this particular text. But one cannot but suspect that it was

one of the aspects of Roselli's position that encouraged her to advance her sweeping claim that "Roselli bestows upon his emperor all the attributes of an absolute ruler." That by a *lex regia* the emperor had originally had his power conferred upon him by the people does not gainsay that fact, since that original concession had been "final [*entgütlich*] and irrevocable." He is not a "delegate of the people," nor is his office "held from the people." Held, instead, by the grace of God it is placed, as a result, "on the same footing as the papal office." Just as the pope stands in the church so, too, stands the emperor in the empire. He is, as a result, *legibus solutus* and is bound or constrained only by the divine and natural law.[41] J. H. Burns is surely right, however, to view this last as something of an overstatement and to insist that in Roselli's understanding of "absolute monarchy," as in that of many another late medieval or early modern "absolutist," monarchical power, however extensive, was subject to constraints that reached beyond the provisions of divine and natural law and were even partially rooted, too, in the norms established by the law of nations (*jus gentium*) and by the fundamental law of the empire.[42]

Moreover, his absolutist proclivities notwithstanding, the positive law also looms larger in Roselli's thinking about the presence of restraints on imperial and papal power than the tag *princeps legibus solutus est* might suggest. If he cites the similarly absolutist text to the effect that what pleases the prince has the force of law, he balances it with an invocation of the *lex digna* or *digna vox* which, promulgated by the emperor Justinian himself and incorporated in the *Code,* proclaimed that "it is a saying worthy of the majesty of the ruler that the prince should profess himself to be bound by the laws, . . . and it is greater for the empire to submit the principate to the laws."[43] Beyond that, Roselli is also at pains to acknowledge, the pope's or emperor's absolute power notwithstanding, that by his ordinary or ordained power (the expression he himself uses is *de ordinata potestate*) the prince ought "to observe the order even of the positive law."[44]

What is making its presence felt in all this ambivalence, or so I would suggest, is nothing all that new, but rather the conflicted nature of the Romanist legal inheritance on which, in his monarchical thinking, he was drawing. In the previous volume of this series I had more than one occasion to emphasize the bifurcated or bipolar character of the political/constitutional teaching to be extracted from both the civil and canon laws and from the complex tradition of commentary on both of them. On the one hand, one encounters in the two laws the tilt toward imperial and papal absolutism (so evident in the high papalist commentators of the thirteenth and early fourteenth centuries) to which Roselli clearly inclines. On the other, it is difficult

to overlook the more constitutionalist preoccupation with the existence of legal limits on the exercise of executive power which had come so powerfully to the fore in the thinking and actions of the conciliarists at Constance and Basel and which he is clearly not altogether able to ignore.[45] Something similar was to be the case with many another proponent of absolute monarchy in the late medieval and early modern era, Bodin himself, father of the doctrine of sovereignty, not excluded. For it would be incorrect to assume that those who defended what we refer to as "absolute" monarchy were necessarily attributing to the ruler some sort of arbitrary power.[46]

Thus if we focus by way of illustration simply on Bodin, who wrote in the late sixteenth century and whom Burns has characterized as "a channel through which large parts of late medieval thought were passed on to later generations,"[47] we can see that however absolutist his sympathies, it is hard to miss in his thinking the uneasy juxtaposition of both tendencies—constitutionalist as well as absolutist—embedded in the civilian and canonistic legal tradition of which he was the legatee. Sovereignty (*majestas*) he defines as "the most high, absolute and perpetuall power over the citizens and subjects in a commonweale."[48] That supreme authority or sovereignty is the very hinge or true foundation of the whole commonwealth.[49] It knows no equal or superior under God.[50] By its will or command all civil or positive laws are established; it is, therefore, *legibus solutus*.[51] Invoking the authority of no lesser a canonist than Innocent IV himself, Bodin drives that point home by deploying the old theological and canonistic distinction between the two powers on which Roselli had likewise depended. Thus he discriminates between those acts which the prince could do of his "absolute power" and those he did of his "ordinary," "civil," or "regulated" power or in accordance with his "ordinary right." And, having done so, he goes on to argue that the prince is able of his "absolute power" to "derogate from the ordinary right," that is to say, from "the laws of his countrey."[52]

Clear enough, it might seem, but we cannot afford to overlook the possibility that the plot could well thicken. For the distinction of powers having once been deployed, the tables could be turned (and sometimes were so turned)[53] by placing the emphasis on the ordinary rather than the absolute power with the implication that the prince should normally consider himself to be bound by the country's laws. Bodin himself, moreover, made it totally clear that the prince was not *legibus solutus* when it came to divine law, natural law, or the law of nations.[54] And he seemed to imply further that it would at least be commendable for the prince to commit himself also to the authority of human positive law.[55] Beyond that, and reflecting long-standing civilian teaching (though his discussion of the matter leaves much to

be desired), Bodin does indicate that the prince was bound by the contracts made with citizens, discouraged from arbitrary interference by the respect he owed to familial possession of private property (*res privatae* as opposed to *res publica*), and bound by those constitutional norms or fundamental laws (*leges imperii*) which prohibited his interfering with the Salic law, which in France governed succession to the throne and alienation of the royal domain.[56]

Monarchical Thinking in France, Spain, and England: The Witness of Sir John Fortescue

Given complexities such as these, which he clearly felt obliged to acknowledge, it is not surprising that Bodin, having decided that the sort of monarchy that we would call "absolute" was the form of government to be preferred before all others,[57] should self-confessedly have found difficulty in putting his finger on an unambiguous instance of the type. That is to say, one where the king was not bound by oath to keep the laws and where his power to make or abrogate law was not hemmed in by the independent authority of some sort of representative assembly.[58] Such a pure form of monarchy, however, he did profess in the end to have found in France.[59] In this he was not alone. In the fifteenth century it was England, rather than France or the kingdoms of the Spanish peninsula, that produced, in Sir John Fortescue (c. 1395–1477), a monarchical theorist of stature. But, as we shall see, on this matter at least, Fortescue had arrived at a conclusion similar to Bodin's.

For that, there were good reasons. The years spanned by Fortescue's lifetime were for France, admittedly, a time of troubles, and for the French monarchy a time of multiple challenges and repeated crises. But just as the de facto limitations on papal power in the early Middle Ages and the obstacles placed in its way had not prevented papal apologists from deploying sweeping theoretical claims in relation to papal jurisdiction,[60] so, too, the challenges confronting royal power in the late fourteenth and fifteenth centuries did not preclude on the part of French royal ideologists the bold extension of expansive claims for the reach and absolute nature of the royal authority. That was certainly true at the level of high theory where the notion that the king enjoyed full legislative authority came to establish itself, and that despite the advocacy of constitutional restraint and the king's subordination to the law by reforming theorists like Nicole d'Oresme (d. 1382) and his later admirer Philippe de Mézières.[61] It was not simply that the old Romanist maxims *princeps legibus solutus est* and *quod principi placuit legis vigorem habet*

came to be deployed in the publicistic literature. More important than that, the emphasis on the royal legislative authority found expression also at the level of government practice and came to be reflected further, and influentially so, in the formularies adopted by the notaries of the royal chancellery. Thus already in the fourteenth century and long before Roselli came in the interest of monarchical absolutism to emphasize the parallelism between papal and imperial monarchical power, those notaries had put into regular use the classic formulary to which Roselli appealed when he argued that by "his absolute power and certain knowledge" (*de absoluta potestate vel de certa scientia*) the ruler can go beyond the normal order laid down by the positive law and, if need be, act to remedy its defects.[62] That formulary and its cognates in which *certa scientia* was linked with the *plenitudo potestatis* of the ruler were ultimately of canonistic origin but had been adapted by the civilians and had made their way also into French legal usage. There the appeal to the king's "certain knowledge" (*certa scientia regis*) signaled the invocation of the fullness and absolute nature of his legislative power and the ability of the royal authority to trump the norms and precedents of customary or common law. Of the formulary that was commonly evoked—"de nostre, certaine science, pleine puissance et auctorité royale"—Krynen says that it is a "particularly striking expression of an openly proclaimed absolutism."[63]

Given the orientation to the location of the legislative power in his classification of regimes,[64] it is not surprising that Fortescue should have classified France as living under a purely "regal" regime. Nor is it surprising that he should be less crisp in his assessment of the type of government under which those peoples whom he referred to as "Spaynards" (i.e., Castilians) and "Arragoners" lived and about which he was less well informed.[65] But it is the case that, as in England, so, too, in the kingdoms of the Spanish peninsula, and especially so in Aragon, Valencia, and Catalonia, the development of monarchical theory was a good deal less unidirectional than was the case in France. There, too, however, once we get to the fifteenth century, ideas about kingship were coming to point, and with growing insistence, in the direction of absolutism.[66] Constitutionalist crosscurrents continued to be felt even in Castile and Leon, where the Cortes or parliamentary assembly had come closer to being an administrative instrument at the disposal of the crown than a body effectively representative of the community as a whole. While in the Aragonese realms, perhaps especially so in Catalonia, institutional structures were in place that encouraged the persistence of a robust constitutionalist tradition characterized by pacts, conventions, and contractarian arrangements (the so-called *pactismo*) functioning to

serve the interests of the community at large and, even when the Cortes was not assembled, hemming in growing monarchical aspirations to rule of an absolutist type. And yet, by the end of the fourteenth century absolutist aspirations had nevertheless moved into the forefront in Castile and even in Aragon, whereas Hillgarth has said, "The Castilian exaltation of monarchy was . . . [beginning to penetrate] one of the redoubts of *pactismo.*"[67]

In this respect, and in Castile, a considerable importance attaches not only to the dramatic rise to prominence in the royal government and long years of dominance of Alvaro de Luna during the reign of Juan II (1406–54) but also the circumstances surrounding his fall from power and subsequent execution in 1453. Luna has been credited during the years of his prominence with playing a central role "in the establishment of the principles and the ideology of royal absolutism" at least, "even if the effective exercise of absolute power was in the event to elude both Juan and his son, Enrique IV (1454–74)."[68] Thus the Cortes of Olmedo in 1445, responding to a revolt by some of the king's subjects who had tried to justify their action by appealing to a passage in the *Siete Partidas,* the law book of Alfonso X (1221–84), insisted that the rebels had misread the passage in question and then went on to adduce others concerning the royal authority to the effect that divine law itself prohibited subjects from laying hands on the king or resisting or speaking badly of him. To resist him was to go against the divine ordinance, for he is the Vicar of God. His power derives from God not man, the laws are subject to his will, and should there be anything in the *Siete Partidas* that runs counter to such principles, then the king "by his certain knowledge, his own initiative and his absolute royal power" should act to revoke it.[69] Ironically enough, a similar appeal to an absolute royal power capable of overriding the ordinary provisions of the law was made by those working to encompass Luna's downfall and seeking to undo what he had put in place, thereby intensifying the emphasis on royal absolutism.[70] And a comparable appeal to what was in effect the absolute/ordinary distinction, on which we have more than once had reason to dwell, was later to be made by Alfonso V of Aragon (1418–58) when he aspired to extend to his Aragonese realms the type of absolute authority he enjoyed as king of Naples, in which kingdom he was seen to represent "the image of the supreme King."[71]

About that sort of kingship, of course, Fortescue's feelings were decidedly mixed. Proud practitioner of the common law, member and sometime governor of Lincoln's Inn, and, later, chief justice of the King's Bench, he devoted much effort in his writings to the task of outlining what he took to be the evident drawbacks attendant upon it —at least in its French version. Of the writings in question, though all

were put in their final form between 1461 and 1471, only one was printed before the eighteenth century. They are the *De natura legis naturae* (*On the Nature of the Laws of Nature*), the *De laudibus legum Anglia* (*In Praise of the Laws of England*)—both written in Latin and the latter first printed in 1571—and *The Governance of England.*[72]

Exploited in the seventeenth century by the opponents of royal absolutism, Fortescue's views on kingship were long understood, in essentially Whiggish fashion, as witnessing precociously to a distinctively English drive toward the achievement of parliamentary self-government and constitutional monarchy. Only in the early twentieth century did they come finally to be freed from an entangling web of anachronism, resituated in their medieval context, and seen from the perspective of what by then was understood about medieval political thinking at large. Unfortunately, there was at that time no general agreement among scholars about the way in which medieval political and constitutional thinking should properly be approached. Thus McIlwain, who had led the charge to disentangle Fortescue from anachronistic Whiggish readings of his views,[73] moved on to try to align those views with the sharp and fundamental distinction between *gubernaculum* and *jurisdictio* which he believed himself to have found in Bracton and which he claimed to be nothing other than "a commonplace of late thirteenth-century European political theory" and nothing less than the very foundation of medieval constitutionalism.[74] And S. B. Chrimes, the other leading exponent of what has been called "the modern point of view" concerning Fortescue,[75] chose to classify him as one of a series of exponents of what he called "the medieval theory of dominion" and appeared to equate with the theory of *dominium* that we have seen developed by Aegidius Romanus, Richard Fitzralph, and John Wycliffe.[76] These disparate moves had the unfortunate effect of generating something of a ground clutter of interpretative fog. And that we must take a moment to dispel if we are clearly to perceive the outlines of the structure of regal thinking that Fortescue himself erected.

For McIlwain, the crucial distinction which he regarded as the key to a correct understanding of medieval constitutionalism at large was one between *gubernaculum*—that is, the government of the kingdom which pertained to the king alone and in which there were no bounds to his discretion—and *jurisdictio*—that is, "those prescriptive rights of tenants or subjects which are wholly outside and beyond the legitimate bounds of royal administration." The king swore to maintain those rights, and they formed, accordingly, "a negative, legal limit to his government." And Fortescue, he concluded, was thinking along those same lines, and not in terms of any sort of mixed monarchy, when he described England as a *dominium* (or *regimen*)

politicum et regale. What Fortescue (in this like Bracton) had in mind was a constitution in which there was a "parallelism" between government and *jurisdictio,* a monarchy that was absolute but absolute only "within certain definite limits established by law." And it was those two spheres, McIlwain further argued, that the great fourteenth-century civilian Baldus de Ubaldis and later English prerogative lawyers like Chief Baron Fleming had in mind when they discriminated between "absolute" and "ordinary" dimensions of the royal power.[77]

While this forceful and stimulating interpretation of medieval and early modern constitutionalism succeeded at first in garnering a good deal of support among English constitutional historians, it came eventually to founder on the unforgiving rocks of stubborn textual fact. In part, it should properly be acknowledged because of the creative stimulus it succeeded in imparting to further scholarly investigation. Even if one were to concede the viability of McIlwain's *gubernaculum/jurisdictio* distinction one would be more than hard-pressed to align it (as he did) with that between the absolute and ordinary powers of the prince (pope, emperor, king) which, as we now know, had its roots in theology.[78] The more so in that the very viability of his distinction has in fact been convincingly criticized and the conclusion firmly drawn that it "seems [to be] the product of McIlwain's classificatory acumen rather than Bracton's."[79] The more so, again, in that Hinton has forcefully rejected the interpretation of Fortescue's constitutional theory which McIlwain, building on his *gubernaculum/jurisdictio* distinction, attempted to advance.[80] Something similar, moreover, has to be said about the approach adopted by Chrimes. The theological considerations underpinning the theories of *dominium* elaborated by Aegidius Romanus, Richard Fitzralph, and John Wycliffe, hinging as they did upon what we have called "the politics of sin," were altogether remote from the constitutional considerations preoccupying Fortescue when he deployed the notion of *dominium politicum et regale.* That being so, the only apparent grounds for understanding him as some sort of latter-day exponent of "the medieval theory of dominium" would appear to be the fact that he often chose to use the word *dominium* rather than *regimen* when evoking that notion.[81]

We have seen that while *dominium* in its classical usage had been a word denoting property or proprietary right, it had come in the medieval centuries to denote also (and, sometimes, rather) jurisdiction or political lordship.[82] Fortescue, in his own use of the word, certainly does not exclude its proprietary connotations, but he really appears to admit them fully into the discussion only when treating of the matter of succession to the English throne—itself, of course, a *political*

matter.[83] His normal emphasis is, rather, on the word's political denotation, and that is underlined by the fact that in the *De natura legis naturae,* the *De laudibus* and *Governance* alike he not infrequently uses *regimen* as a synonym for *dominium.*[84]

All of that duly noted, we are now in somewhat better position to determine what exactly it is that Fortescue had in mind when he distinguished between *dominium* (*regimen*) *politicum* and *dominium regale.* Even so, that determination turns out to be a less easy undertaking than it might, at first sight, promise to be. Part of the reason for this is that there was, across time, a certain fluidity in the way in which Fortescue used these critical terms. He himself did not originate them, and more than once he claims that he is indebted for them to Aquinas's *De regno: ad regem Cypri* and to Aegidius Romanus's *De regimine principum.*[85] He also refers to the *Compendium moralis philosophiae* of Roger of Waltham (fl. c. 1300), but that appears in fact to have been simply an abridgement of Aegidius's work made, presumably, for pedagogic reasons.[86] As for Aquinas and Aegidius, they do indeed distinguish, as does Fortescue, between a "regal" and a "political" form of rule (in his terminology, *regimen regale* or *regale dominium* and *regimen politicum*), and it is via a quotation from Aegidius that Fortescue in the *De natura legis naturae* characterizes the difference between them. Namely, that rule in the former (political) sense is in accordance with "the laws that the citizens have instituted," whereas rule in the latter (regal) sense is rule in accordance with the prince's own choice and the laws which "he himself has instituted."[87]

Fortescue goes on, however, with reference to Roman and Mosaic forms of government but especially to English constitutional norms and practice, to introduce "a third kind of *dominium,* not inferior to . . . [the two former ones] in dignity and honour, which is called the political and royal" and which "we know has been taught in the doctrine of St. Thomas" (*dominium politicum et regale*).[88] While this third, composite form is to be found neither in Aquinas's *De regno* nor in Aegidius Romanus, a strong (if not wholly conclusive) case has been made for believing that Fortescue may have thought he had found it in the third book of Ptolemy of Lucca's *De regimine principum,* which was a continuation of the *De regno* and circulated in the Middle Ages under Aquinas's name. For there Ptolemy describes *dominium imperiale* as holding "the middle ground between the *dominium politicum* and *dominium regale*" overlapping, in effect, with both.[89]

Whatever the case, and whatever the ultimate provenance of the term *dominium politicum et regale,* Fortescue's principal focus is on the way in which that mixed form is to be distinguished from the pure *dominium regale,* to such a degree, indeed, that in his *Governance* and

the *De laudibus* he betrays a tendency to assimilate *dominium politicum* to *dominium politicum et regale.* Thus he can begin the *Governance of England* by speaking not of three possible types of government (as he had done in the *De natura legis naturae*), but by stipulating simply that there are two kinds of kingdom, one of which is a lordship called in Latin *dominium regale* with the other being called *dominium politicum et regale.*[90] In its unqualified form (and using our terms rather than Fortescue's own), *dominium politicum* is to be understood as quasi-republican in nature, in that it is "regulated by the stewardship (*dispensatio*) of many."[91] Wedded, however, to *dominium regale* in the hybrid form he has identified, it becomes a kind of kingdom, but one in which the king is free neither to make law simply of his own volition and without "the assent of the whole realm" (i.e., the "Three Estates of the realm") nor to impose taxation without the same assent, nor, again, if his rule is to be legitimate, to fail to govern in accord with the laws thus established. In such a regime, even his judges "are all bound by their oaths of office not to render judgment against the laws of the land (*leges terrae*), even if they should have the command of the prince to the contrary."[92] In this hybrid form "the kingdom issues from the people and exists as a body mystical (*corpus mysticum*), governed by one man or head." In such a body mystical or "politic" it is the purpose of the people (*intencio populi*) that is the wellspring of life (*primum vivens*) and the law functions like the sinews in a natural body to bind the whole together in an enduring unity.

> Just as the head of the physical body is unable to change its sinews, or to deny to its members proper strength and nourishment of blood, so a king who is the head of the body politic is unable to change the laws of that body, or to deprive that same people of their own substance uninvited or against their wills.[93]

Fortescue does not himself explicitly argue in favor of a classic mixed constitution embracing monarchical, aristocratic, and democratic elements, but his theory, it has well been said, "provides one of the most important bridges between medieval and Early Modern mixed constitutionalism."[94] So far, then, as the *political* aspect of government in his *dominium politicum et regale* is concerned, it is understandable that John Ponet, writing later on in 1556, should have been moved to bring it into explicit contact with the theory of the mixed constitution, and that seventeenth-century English constitutionalists should have resonated sympathetically to his views.[95]

In his emphasis, however, on the regal aspect and on *dominium regale* as a legitimate form of kingship, Fortescue was somewhat more in tune with the growing body of monarchical thinking in his own day

and even in some measure with its growing emphasis on absolutist forms. And it is important not to overlook or underestimate that (less celebrated) aspect of his thinking. So far as *dominium regale* in the pure or unqualified sense is concerned, we should not permit Fortescue's biting critique in the *De laudibus* and *Governance* of its French version to conceal from us the fact that the stance he adopts to that more "absolutist" form of kingship is by no means uniformly hostile. The French royal regime of his day he clearly regarded as the outcome of a declension into tyranny occasioned by the stresses and strains of the Hundred Years' War. For him it was no longer *dominum regale* of the type exemplified by Louis IX in the good old days of the thirteenth century or, indeed, by his royal predecessors.[96] In itself, *dominium regale* is not to be dismissed as illegitimate. "Many Christian princes," he says, have endorsed the maxim "what pleases the prince has the force of law" and have refused to rule their realms by laws that do not stem from their own willing, "which laws," he goes on to affirm, "are very good under good princes." In such cases, indeed, "their kingdoms then most resemble the Kingdom of God, who reigns upon man ruling him by his own will."[97]

Moreover, even when it comes to *dominium politicum et regale,* the centrality of the role played in the body politic by its royal head is not to be gainsaid. If the king cannot make or change law without the assent of the people, neither can "subjects themselves . . . make laws without the authority of the king, and the kingdom, being subject to the king's dignity, is possessed by kings and their heirs successively by hereditary right, in such manner as no dominions are possessed which are only politically regulated."[98] Kings possess also, moreover, a power which may properly be called "absolute" (*potestas absoluta*). Thus, in the interest of "natural equity" he is able to deploy an emergency power not, admittedly "to abolish (*solvere*) a law which is perfect but rather to complete by reference to the law of nature . . . a law which is in some way defective."[99] Nor does Fortescue fail to acknowledge the king's sacral and quasi-sacerdotal character. In this connection, with the sole proviso that its effectiveness is contingent on the legitimacy of the king's claim to the throne, he emphasizes the importance of the grace conferred by royal unction. From the latter he views as deriving the English king's well-attested power of curing by the royal touch. And it transforms him, he seems to imply, into a *rex et sacerdos,* something more than a mere layman.[100]

The Divine Right Theory of Kings

Out of the fifteenth-century cauldron of political conflict and

confusion emerged, in the end, not only the type of theorizing about the nature of kingship discussed above but also, and on a more practical level, forms of kingship that were more adequately institutionalized, less subject to limitation by the weakened parliaments and representative assemblies of the era, and more prone to advancing quasi-absolutist claims for the reach of royal prerogatives. And it is in the late fifteenth-century combination of somewhat revivified (certainly more openly acknowledged) notions of royal sacrality with a growing inclination to understand temporal kingship in the type of absolutist terms once monopolized by the proponents of high papalist views that we should seek the proximate roots of the last great body of Christian theory arguing for the sacred character of kingship. Last, that is, in a series that we have seen stretching back for more than a millennium to the Eusebian accommodation with those pre-Christian notions of sacral monarchy that were well-nigh ubiquitous in the ancient world.[101] This last great body of Christian regal theory, essentially archaizing in nature though occasionally portrayed as something of a novelty, is what historians of political thought have traditionally characterized as "the Divine Right Theory of Kingship."

It took, however, two further and proximate factors to bring that ideological plant into the full exoticism of its seventeenth-century bloom. The first was the recovery of papal confidence after the ending of the conciliar epoch in mid-fifteenth century and the papacy's concomitant withdrawal from its attempted colleagueship with the emperors and kings of Europe, induced by what it had portrayed as a "populist" threat posed by the conciliarists of Basel. In the era of papal "restoration" after the ending of that council, and despite the limitations of their role as Italian princes (for that, as temporal rulers, is what they had now become), the popes were free to emerge once more, and in theory no less than practice, as monarchs of a distinctly absolutist type. They began, accordingly, to frame their monarchical claims to rulership over the universal church in such a way now as to assert their uniqueness and to distance themselves once more from monarchy at large. In so doing, they rejected the classic conciliarist claim that the church, being a polity basically akin to polities in general, retained by natural law a residual right to prevent its own ruin even to the point of deposing its papal ruler. Stressing at the start of the sixteenth century the uniquely divine grounding of papal monarchical authority, Cardinal Cajetan insisted that to argue thus, in essentially conciliarist fashion, was totally unacceptable in that it "perverted" the church's basic constitutional order. It did so by turning it into a democratic or popular one in which all authority resides with the whole community rather than with a single person.

One should recognize instead, as Cardinal Bellarmine was to add a century later, that given the *uniquely supernatural* grounding of ecclesiastical power, analogies drawn from the profane world of secular politics are altogether irrelevant. "The Holy Church," he wrote in 1606, arguing against the acerbic Venetian theologian Paolo Sarpi, "is not like the Republic of Venice" where "the Republic can be said to be . . . above the prince." "Nor is it like a worldly kingdom," where "the power of the monarch is derived ultimately from the people." Instead, it is "a most perfect kingdom and an absolute monarchy, which depends not on the people . . . but on the divine will alone."[102] This was a quintessential formulation, and Bellarmine was to emerge as the doughty defender, not simply of the pope's absolute monarchy within the church itself but also as a vigorous proponent of the papal power in matters temporal. As he construed it, it was a power that was no more than indirect,[103] but that was by no means a matter of toothless theory, and in any case, the popes themselves were still prone to being quite direct in their intrusions into matters temporal. Thus in 1570 Pius V had not hesitated in the bull *Regnans in excelsis* to excommunicate and depose Queen Elizabeth I of England and release her subjects from their allegiance. Similarly, in 1606, Paul V moved, over a complex issue concerning Venetian law and ecclesiastical property rights, to excommunicate the Venetian doge and senate and to impose an interdict on all Venetian-ruled territories.

Complexly interrelated with that renewed and threatening papal claim to possess a power in matters temporal, and constituting the second proximate factor precipitating the crystallization of divine right theory, was the alarming circulation in the late sixteenth and seventeenth centuries, and in Catholic no less than Calvinist circles, of arguments affirming the ultimately popular origins of political authority and the concomitant retention by the community as a whole of a right to resist, even by force, a heretical or tyrannical monarch, Catholic no less than Protestant. Despite a later shift in his thinking, such arguments were at odds with Martin Luther's original intuition and with the enormous emphasis he had placed on the divinely ordained requirement of obedience to the powers that be (Rom. 13:1–7).[104] The firmness of that emphasis had had a great impact on those countries in north and northwest Europe that fell under the influence of Lutheran ideas, not least among them England. Thus, as we saw in the previous chapter, the political theologies of the earliest English Protestants, which were grounded firmly in the novel Lutheran theology, clearly reflected the strength of Luther's emphasis on the divinely ordained nature of the temporal ruler's authority and the gravity, therefore, of the subject's obligation to obey it. After the failure of Henry VIII's attempt to secure his much-needed divorce and

the consequent decision to break with Rome, no theological concerns of comparable profundity can be said to have perturbed the thinking of those ideologists of the royal supremacy whose works, with the vigorous encouragement of Thomas Cromwell, came as the 1530s wore on to dominate the arena of public debate. At the same time, those works emphasized, if anything even more strongly, the overriding duty of obedience to the powers that be. Indeed, while they laid down no great challenge to the fundaments of Catholic belief, the novelties they did introduce in matters doctrinal—largely ecclesiological in nature—served to elevate still further the fundamental importance of submission to the king's authority, to extend the reach of that authority, and to enhance the grandeur and sacrosanct nature of the royal office.

In his responses to Henry VIII's comments on the *Bishop's Book* (1537), indeed, Thomas Cranmer, now archbishop of Canterbury, came perilously close to according to the king the *potestas ordinis,* or priestly sacramental power, at least insofar as it involved the ordination of priests, and the same stance has periodically (if incorrectly) been ascribed to Edward Foxe, bishop of Hereford.[105] But in this Cranmer was exceptional, and Foxe, along with the other advocates for the royal supremacy, was content to leave in the hands of the priestly hierarchy the sacramental powers traditionally ascribed to it. Instead, the focus of their attention—from Richard Sampson, Foxe, and Stephen Gardiner at the outset to Thomas Starkey, Christopher St. German, Richard Taverner, and Johannes Beckinsau later on—was, if with varying degrees of explicitness, on the jurisdictional power and, within it, on the *potestas jurisdictionis in foro exteriori,* the truly governmental power over the church possessed in its fullness, or so the papalists claimed, by the pope alone.

By the time the royal break with Rome was complete and seemingly irreversible, the attacks on papal jurisdiction as unscriptural and usurped that had formed the backbone of Sampson's *Oratio* (1536) had been extended further in Foxe's *De vera differentia* (1534). And they were subsumed in Stephen Gardiner's *De vera obedientia* (1535) under the rubric of a more sweeping onslaught on the distinction between the church's spiritual and the prince's temporal government that had formed the very foundation of the traditional ecclesiologies and political theories. "Forsothe," said Gardiner, evoking the example of the Old Testament kings and of emperors like Justinian who had legislated on matters spiritual no less than temporal—"Forsothe, a blynde distinction and [one] full of darknesse."[106] If God "hathe committed the office of teaching and the ministerie of the sacraments" to some, that office would appear to involve little more than a *potestas ordinis,* clearly not any true *potestas juurisdictionis* and certainly not

any sort of exemption from the rule of the king. To him it has fallen to exercise that latter jurisdictional power, for he is "prince of all the people and not of parte." To say, therefore, that the king is "the supreme headde of the church of England" is really no different than to say that he is "headde of the realme of England." And we should never forget that if he is such, it is by nothing other than God's will. For, as the Scriptures tell us, he is "God's lieftenant," "as it were the ymage of God upon earthe," upon our obedience to whom the Scriptures impose no limits and add not "one sillable of excepicion" save only "the obedience due to God" himself.[107]

In all of this, Gardiner's views are already in accord with the famous words in which the *Act in Restraint of Appeals* (1533) had asserted the king's jurisdictional omnicompetence within the territorial boundaries of his "realm of England."[108] What was involved was the arrogation to the crown of the entire fullness of jurisdiction *in foro exteriori* that the canonists had previously ascribed to the pope and the redefinition of the spiritual authority possessed by the priestly hierarchy in such a way as to limit it to the *potestas ordinis* and the power of jurisdiction in the internal or penitential forum. The power of jurisdiction *in foro exteriori* had traditionally included the magisterial power of rendering binding judgments on matters doctrinal, and Gardiner, noting that Justinian had "made lawes concerning the glorious Trinitie and the catholike faith," concluded that "a Kynge ordayned of God . . . should take charge of spirtuall and eternal affaires, before and rather than corporal matters."[109] Among those writing in support of the royal supremacy there was initially no consensus as to whether the fullness of jurisdiction and headship of the church belonged to the king as a person or to the king-in-parliament. But they were at one among themselves, however, and with Barnes and Tyndale before them, in the firmness of their Pauline insistence on the sinfulness of resistance to the royal authority. That insistence became even more strident in the wake of the northern uprising of 1536 and of Reginald Cardinal Pole's denial of the royal supremacy and appeal to the emperor Charles V to come to the aid of the oppressed people of England. Thus, in his *Exhortation to styrre all Englyshe men to the defence of theyr countrye* (1539), Richard Morison dismissed the "pestyferous Poole" as a "trayterous Cardinall" and emphasized that the king was "our Kynge, our ruler, by the will and ordinance of god, he is goddis mynister, unto whose charge god hath commytted this realme.[110] Thus Richard Taverner in his *Garden of wysdomme* (1539) noted that kings "represent unto us the parson even of god himself," so that God "adourneth them with the honourable title of hys own name calling them Goddes."[111] And thus, following the ancient route from royal theocracy to royal Christology, another

author was apparently moved to refer to King Henry as “the Son of Man.”[112]

Those theopolitical formulations are striking ones, but despite their prevalence in early Tudor England, it was in France, rather, that the theory of the Divine Right of Kings in what John Neville Figgis called “its completest form” first came both clearly into focus and widely to be accepted. If the dangers attendant upon the pope’s revived claim to wield a power in matters temporal certainly became evident in England already during the reign of Elizabeth, it was only in the seventeenth century that royal aspirations to power of a quasi-absolutist nature came to face a degree of stubborn resistance from common lawyers and parliamentarians that threatened the political stability of the country and stimulated, in turn, the further elaboration and persistent dissemination of notions of divine right. In France, on the other hand, from 1559 onwards successive royal minorities and the rise and organization of the Huguenot churches had led eventually to recurrent religious war and the emergence of a destructive stalemate between fluctuating political factions and competing Catholic majoritarian and Huguenot sectarian groupings. The outcome was the existence of a persistent threat, not simply to the royal authority but even to the integrity of the kingdom itself. As a result, the claims (advanced in sequence by Calvinist and Catholic alike) to a legitimate right of forcible resistance to an heretical ruler came to be met in turn by an increasingly elaborated assertion of the king’s indefeasible right. By the end of the century, then, and in the works especially of the jurists Pierre de Belloy (c. 1540–c. 1612) and William Barclay (1546–1608)—the latter a Scottish expatriate—the theory of the Divine Right of Kings had come of age in France and had received a comprehensive articulation.[113]

Almost a century ago now, and in a classic formulation, Figgis helpfully encapsulated the fully developed form of divine right theory in four succinct propositions. First, that the institution of kingship is divinely ordained. Second, that to God alone are kings held to be accountable. Third, that on pain of eternal punishment God enjoins on subjects the twin duties of passive obedience and nonresistance. Fourth, that the hereditary right of succession to the throne stemming from birth into the legitimate royal line is under no circumstances subject to forfeiture. As of right, that is to say, heredity regulated by primogeniture is “indefeasible.”[114] The formulation is a helpful one. Of the four propositions, the two first were the more ancient, with roots (as we have seen) well engaged in the soil of medieval regal and imperial ideology. The two latter were of more recent provenance. The solemn emphasis on passive obedience and nonresistance would have seemed quite odd to most medievals. It mainly reflected, in fact,

the revolutionary changes introduced by the Reformation, both the obsessive emphasis of the Magisterial Reformers on Romans 13:1–7 and the subsequent shattering of the religious unity of Christendom, the emergence, accordingly, of dissident religious minorities, and the concomitant threat to public order and political stability which the long drawn-out agony of the French Religious Wars had brought home so destructively in the closing decades of the sixteenth century. Similarly novel was the preoccupation with indefeasible hereditary right, which reflected the dynastic turbulence of the century and more preceding. One should not forget that it was in virtue of their royal birthright alone that Henry IV of France and James I of England had come to occupy their respective thrones—the former despite his unacceptable religious allegiance, the latter in the teeth of two acts of parliament formally excluding the Stuart succession.

Beyond these four basic propositions the theory reached out in its various individual formulations to encompass other variations and complexities. Notable among them was the celebrated "patriarchalist" understanding of kingship in which kings were to be viewed as (or, at least, viewed *as if*) they were rightful successors to the type of patriarchal authority exercised by fathers in lineal succession all the way back to Adam, the first father.[115] That patriarchalist interpretation of royal authority has come to be associated quintessentially with the name of Sir Robert Filmer (1588–1653). Though his *Patriarcha* was published only in 1680, it may have been written as early as the 1640s, and "many of its most famous contentions were voiced by theorists of the Jacobean period and, indeed, by the Elizabethan [Hadrian] Saravia."[116] The latter had not hesitated to argue that "fatherly power was kingly, that is to say supreme, amongst the first authors of the human race," both before and after the Flood. "By the law of nature fathers were princes over their descendants. "[117]

Prescinding here, however, from variations of this sort, I propose to focus simply on two brief illustrations of divine right theory at large drawn from France (though the author in question was an expatriate Scot) and from Scotland and England. The first is William Barclay's *De Regno et Regali Potestate* (*Concerning the Kingship and the Royal Power*) published in 1600 in Paris. While it was in many respects framed as a reply to George Buchanan's *De jure regni apud Scotos,*[118] the book represented an attempt to compile and sum up "all the arguments for absolute monarchy by divine right that he could find in the controversialist literature of the past thirty years" and "the general effect," it has been said, is "one of conscientious dullness."[119] But all four of Figgis's propositions are accordingly present. The royal authority, Barclay insists, can stem from God alone, and that is true

even of hereditary and elective monarchy. In the latter case, all the electors can do is *designate* the incumbent who comes thereby to wield a power that they themselves can neither confer nor withdraw.[120] Such conferral or withdrawal is an exclusively divine prerogative and what is conferred involves an unlimited sovereign authority bringing with it the power to make law while being itself *legibus solutus.* For no one can be king who is bound by the laws.[121] To the king who is possessed of such authority the subject owes an obedience limited only by the duty of (passive) disobedience should he command something contrary to divine law.[122] Otherwise, and however repressive the ruler, he is subject neither to judgment nor to deposition by man.[123] Any resort to forcible resistance is sternly proscribed, except in the case of the "tyrant." But when he makes that exception Barclay is referring quite narrowly to what the tyrannous ruler *is,* not to what he *does* (tyranny *ex titulo* not *ex exercitu*). That is to say, he restricts that pejorative label to usurpers who have no legitimate claim to the throne they occupy.[124] By definition, in effect, a legitimate king cannot degenerate into a tyrant, and to him his subjects owe a degree of obedience that is well-nigh unlimited. For limits of no sort can be imposed upon the regal *majestas.*[125] "To the prince God has subjected the laws." As the jurists have taught (he cites Bartolus, Baldus, Albericus, and others), princes possess like the pope a *plenitudo potestatis* such that when they act *ex certa scientia* they can do anything "above, against, and outside the [positive] law."[126] In deploying those terms he, too, was venturing along the juristic trail followed before him in France and Spain by those of absolutist leanings. As we have seen, it was a trail that led back into canonistic theorizing about the power of the pope—all the way back, in fact, to the great thirteenth-century canonist Hostiensis. For, in effect, Barclay, too, is deploying the classic distinction that theologians had devised in relation to the power of God but which Hostiensis had transferred into canon law as one between the *potestas absoluta et ordinaria* of the pope.

My second illustration is that afforded by the political writings of James VI of Scotland/James I of England (1603–1625), formerly simply James VI of Scotland. Already in his *Trew Law of Free Monarchies,* published in 1598 before he became king of England, and in part also in his *Basilikon Doron,* an essay of advice written at about the same time for his (then) presumptive heir, Prince Henry, all four of the propositions that Figgis identified as central to the Divine Right Theory of Kings duly put in their appearance. The vision of kingship, then, that finds expression in these writings is an extremely elevated one. The royal office is to be viewed as sacred, as "mixed betwixt the Ecclesiasticall and civill estate," and the king himself is no mere

layman—though "both the Papists and Anabaptists would have him" to be such.[127] He is "God's Lieutenant on earth," indeed our very "God on earth," for as "the propheticall King David" tells us, "Kings are called Gods . . . because they sit upon God his Throne in the earth."[128] That the king's power, then, should derive from God alone should come as no surprise—at least if one is talking about a "free and absolute monarchie" like the Scottish and not of "elective" kings or other "aristocraticall" governors, such as are the doges of Venice. It is the "Kingdoms and Monarchie among the [ancient] Jewes, and the law thereof" that provides the "paterne to all Christian and well founded Monarchies, as being founded by God himselfe." It is God who has placed the king "as his lieutenant" over the people, and "he that hath the only power to make him, hath the only power to unmake him."[129] He it is who is the "onely ordinary Judge of kings," and it is to God alone, not man, that the king "must give count of his judgment." To that judgment, even if it is wicked, resistance is not permitted. As Paul teaches, he is the minister of God to whom obedience is owed not simply because of fear but for the sake of conscience. It would be nothing less than "shameless presumption" for "any Christian people now adayes to claime to that unlawfull libertie [to revolt against a king] which God refused to his owne peculiar and chosen people." And that "duty and alleageance, which the people [nowadays] sweareth to their prince, is not only bound to themselves, but likewise to their lawfull heires and posterity, the lineall succession of crowns being begun among the people of God, and happily continued in divers Christian commonwealths." "For as he is their heritable overlord, and so by birth, not by any right in the coronation, cometh to his crowne." Hence, "it is a like unlawfull, (the crowne ever standing full) to displace him that succeedeth thereto, as to elect the former."[130]

Those fundamental points duly made, James goes somewhat further. In the mid-fifteenth century, Sir John Fortescue had classified the Scottish realm as being (in this like England) a *dominium politicum et regale,* that is to say, the type of kingdom in which legislation and taxation alike called for parliamentary assent.[131] But the makeup and history of the third estate in the Scottish parliament had left it bereft of the type of power that was beginning to accrue to the House of Commons in England. At the end of the sixteenth century the membership of the Scottish parliament was still small and the parliament itself had come to meet with diminished frequency.[132] Those realities are reflected, I believe, in what James has to say both in the *Trew Law of Free Monarchies* and in *Basilikon Doron.* In both works he insists that the parliament "is nothing else but the head Court of King and his vassals." In the latter he also urges Prince Henry

to "hold no Parliaments, but for necessitie of newe lawes, which would be but seldome." And in the former he is firm in his emphasis that while "in the Parliament . . . the lawes are but craved by his subjects, and onely made by him at their rogation and with their advice," "yet it lies in the power of no Parliament to make any kinde of lawe or Statute, without his Scepter to it, for giving it the force of law."[133]

Not all of these themes recur in the *Meditation upon the 27, 28, 29 Verses of the XXVII Chapter of St. Matthew, or A Patene for a Kings Inauguration,* a work of 1620 which recapitulated much of what he had had to say in *Basilikon Doron* over twenty years earlier and one written for his (now) presumptive heir Prince Charles. But enough of them do so (including the emphasis on the fact that kings are not merely "laics" but are "*mixtae personae,*" that is, in some sense priests as well as secular persons) to suggest that "the views of James I, King of Great Britain, in his last years were not fundamentally different from those of James VI, King of the Scots, in his prime."[134] And that conclusion encourages one to base some further observations on the important statement that James made in March 1609/10 in his *Speach to the Lords and Commons of the Parliament at White-Hall,* and which McIlwain long ago characterized as "probably the most complete exposition of . . . [James's] views of the divine nature of kingship."[135]

Focusing some fifty years ago now on this speech as "central to an understanding of James's political theory," W. H. Greenleaf forcefully urged that James "deserves a higher place in the history of systematic political thought than he has normally been accorded" and that so, too, "does the set of [divine right] ideas of which he was so able a proponent."[136] When he did so he was parting company with a long-established interpretative norm. Up to that point, even the less unsympathetic of modern commentators on James's political writings had tended mainly to stress not so much the broader theoretical framework to be found in them as his historical and legal arguments for the indefeasible character of kingship. Greenleaf's vigorous dissent from that approach helped shift the direction of subsequent scholarship, and the assessment of James's political thinking is unquestionably a good deal more favorable now than it was in the past.[137] But while I certainly share that higher assessment, in certain critical respects I have not found it possible to share Greenleaf's specific interpretation of what James actually had to say. That interpretation hinged on his claim that James adhered to the metaphysical vision of the order of things best summed up by Arthur O. Lovejoy in his classic *Great Chain of Being* and one reflected in what E. M. Tillyard was later to describe in his *Elizabethan World Picture.* That picture, which James Daly, following in Greenleaf's footsteps,

has depicted as reflective of an underlying and pervasive "cosmic harmony," involved the vision of a universal hierarchical order grounded in reason and flowing from the very essences of things, one in which everything had its proper place and in which the microcosm of human society paralleled the macrocosm of the universe.[138]

The pertinence of such ideas to late antique Hellenistic and early Christian notions of kingship I have had ample reason in the first volume of this series to acknowledge.[139] Nor is it my purpose now to question their currency in sixteenth- and early seventeenth-century England. Nor, for that matter, would I wish to deny that they may have generated some fleeting harmonics in the intricate political melodies which James I himself composed. But as the seventeenth-century Cambridge Platonist Ralph Cudworth (who himself sympathized with them) made abundantly clear, they were being hard pressed in his own day by the emergence of the voluntarist ethic "promoted and advanced by such as think nothing so essential to the Deity as uncontrollable power and arbitrary will," teaching "that there is no act evil but as it is prohibited by God, and which cannot be made good if it be commanded by God. And so on the other hand as to good."[140] And I conclude, *pace* Greenleaf and Daly, that it is with that voluntarist way of thinking (which extended beyond ethics into natural theology and philosophy), rather than with notions redolent of the great chain of being, that James I's political ideas can most harmoniously be aligned.

Having launched into his discourse in the 1609/10 speech with his fundamental commitment to the idea that "kings are not only GODS Lieutenants upon earth and sit upon GODS throne, but even by GOD himselfe they are called Gods," James invokes three similitudes to illustrate "the state of MONARCHIE," the most fundamental of which is the God-King parallelism.[141] But we cannot afford to overlook the cardinal fact that the God with whom he compares himself is far from being the innerworldly divine being of Plato's *Timaeus,* the "self-transcending fecundity" "which could begrudge existence to nothing that could conceivably possess it," and which Lovejoy (who was nothing if not philosophically precise) identified as the basic unit-idea underpinning the idea-complex known as the great chain of being.[142] The latter notion makes sense only in terms of that philosophy of order or cosmic harmony grounded in the complex Greek understanding of the divine which then, in turn, found its own reflection in the realms of legal and political thinking. But, that readily conceded, one should not miss the fact that the notion of the divine and the congruent conception of order that James I reveals himself to have had in mind are vastly different. The immortal God with whom he compares the mortal king is no limited, innerworldly

Platonic deity but the biblical God of Abraham, Isaac, and Jacob, the personal God of might and power who transcends the universe which he created, not out of Plato's preexistent matter and in accordance with his equally preexistent Forms or Archetypes, but out of nothing and by a free (unnecessitated) act of will. The providential God, moreover, from whose omniscient purview not even the fall of a sparrow escapes and against whose miraculous intervention not even the might of a Nebuchadnezzar was proof. But it is not to be assumed (as Daly, for example, seems to do) that if one concedes that what is at work in the world is such an untrammeled sovereign will, one has to relinquish the possibility that that world might possess a stable order. The choice, it must be insisted, is not that between order and sovereign will but between different conceptions of order. The one, order as grounded in the very nature or essences of things, the order congruent with the notion of the great chain of being, is clearly incompatible with the notion of a sovereign divine will. The other, order as external to things, imposed, as it were, from the (divine) outside, presupposes the very notion of a sovereign divine will, presupposes the view that it would be contradictory to suggest that omnipotent will could not itself choose to bind omnipotent will, presupposes the conviction that that will has stooped so to bind itself in its governance of the world and of men as to sustain the order guaranteed to humankind by covenant, pact, or promise.[143] Such, in fact, were the congruent conceptions of God and imposed world order that James assumes in this speech of 1609/10 and then extends by similitude or analogy to kings and legal order.

Thus, affirming that kings "exercise a manner or resemblance of Divine power upon earth," he goes on:

> Or if you wil consider the Attributes to God, you shall see how they agree in the person of a King. God hath power to create, or destroy, make, or unmake at his pleasure, to give life, or send death, to judge all, and to be judged nor accomptable to none: To raise low things, and to make high things low at his pleasure, and to God are both soule and body due. And the like power have Kings: they make and unmake their subjects: they have power of raising, and casting downe: of life, and of death: Judges over all their subjects, and in all causes, and yet accomptable to none but God onely. They have power to exalt low things, and abase high things, and make of their subjects like men at the Chesse. A pawne to take a Bishop or a Knight, and to cry up, or downe to any of their subjects, as they do their money.

Almost immediately after, however, he went on (and the passage deserves extended quotation):

> But now in these our times we are to distinguish betweene the state of Kings in their first originall, and betweene the state of setled Kings and

> Monarches, that doe at this time governe in civill Kingdomes: For even as God, during the time of the olde Testament, spake by Oracles, and wrought by Miracles, yet how soone it pleased him to setle a *Church* which was bought, and redeemed by the blood of his onely Sonne *Christ,* then was there a cessation of both; Hee ever after governing his people and Church within the limits of his reveiled will. So in the first originall of Kings, whereof some had their beginning by Conquest, and some by election of the people, their wills at that time served for Law; Yet how soone Kingdomes began to be settled in civilitie and policie, then did Kings set downe their minds by Lawes, which are properly made by the King onely; but at the rogation of the people, the Kings grant being obteined thereunto. And so the King became to be *Lex loquens,* after a sort, binding himselfe by a double oath to the observation of the fundamentall Lawes of his Kingdome. . . . So as every just King in a settled Kingdome is bound to observe that paction made to his people by his Lawes, in framing his government agreeable thereunto, according to that paction which God made with *Noe* after the deluge. . . . And therefore a King governing in a setled Kingdome, leaves off to be a King and degenerates into a Tyrant, as soone as he leaves off to rule according to his Lawes. . . . For it is a great difference betweene a Kings government in a setled State, and what Kings in their originall power might doe in *Individuo vago.* . . . I conclude then this point touching the power of Kings, with this Axiome of Divinitie, That as to dispute what God may doe, is Blasphemie, but *quid vult Deus,* that Divines may lawfully, and doe ordinarily dispute and discusse; for to dispute *A Posse ad Esse* is both against Logicke and Divinite: So it is sedition in Subjects, to dispute what a King may do in the height of his power: But just kings wil ever be willing to declare what they wil do, if they wil not incurre the curse of God. I wil not be content that my power be disputed upon: but I shall ever be willing to make the reason appeare of all my doings, and rule my actions according to my Lawes.[144]

Side by side with these words should be placed a similar (if shorter) passage in another speech, this one delivered in the Star Chamber in 1616:

> That which concernes the mysterie of the Kings power is not lawfull to be disputed, for that is to wade into the weaknesse of Princes, and to take away the mysticall reverence, that belongs unto them that sit in the Throne of God. . . . Keepe you therefore all in your owne bounds, and for my part, I desire you to give me no more right in my private Prerogative, than you give to any Subject; and therein will I be acquiescent: As for the absolute Prerogative of the Crowne, that is no Subject for the tongue of a lawyer, nor is it lawfull to be disputed.
>
> It is Atheisme and blasphemie to dispute what God can doe: good Christians content themselves with his will revealed in his word. So, it is presumption and high contempt in a Subject, to dispute what a King can doe, or say that a King cannot doe this, or that; but rest in that which is the Kings revealed will in his Law.[145]

These are undoubtedly complex passages, but it is clear that they do not resonate to any frequencies associated with the vision of the great chain of being. Even though he does not quite use the standard

terminology, what I believe James to be doing instead is calling upon the distinction between the absolute and ordinary powers of the prince that the great thirteenth-century canonist Hostiensis had introduced into the canon law with explicit reference to the analogous theological distinction between the *potentia absoluta/ordinata* of God. That distinction had made its way thence, echoed with varying degrees of precision, into the civil law, to be evoked, as we have seen, by the French and Spanish royal legists and by Roselli in the fourteenth and fifteenth centuries, and by Romanists like William Barclay and Jean Bodin in the sixteenth. It is a distinction that had also, by James I's day, found its way into the arguments of English lawyers, and not only those who, like Albericus Gentilis and James Cowell (writing in 1605 and 1607, respectively) were themselves Romanists but also, and perhaps more surprisingly, those who were practitioners at the common law, as well as into the arguments of such other Jacobean authors as Edward Forset and Sir John Davies, attorney general for Ireland. Many other contemporary references are to be found—in the political writings, for example, of Francis Bacon, in the Acts of the Privy Council, in the judgments handed down by the royal lawyers in several of the great early Stuart state trials concerning the reach of the royal prerogative—most notably in that delivered by Chief Baron Fleming in the Court of Exchequer in Bate's case (1606) concerning the king's power to impose, without recourse to Parliament, duties on imports.[146]

Its reiteration by Sir John Davies, a particularly forthright version, is worthy of quotation. "By the positive law," he said,

> the King was pleased to limit and stint his absolute power, and to tye himself to the ordinary rules of the law . . . [but we should not forget that he continues to] exercise a double power *viz.* an absolute power, or *Merum imperium* when he doth use Prerogatives onely, which is not bound by the positive law, and on ordinary power of Jurisdiction, which doth cooperate with the law. . . . [In this] he doth imitate the Divine Majesty, which in the Government of the world doth suffer things for the most part to passe according to the order and course of Nature, yet many times doth shew his extraordinary power in working miracles above Nature.[147]

If in neither of the two passages quoted earlier nor in a further instance of his deployment of the absolute/ordinary power distinction and its affiliated covenantal theme[148] is James I himself quite so clear, it is in part because he contrived to conflate it with another, even older, theological distinction. In so doing, he was at one with Erasmus, Luther, and the Swiss Anabaptist Balthasar Hübmaier, all of them writing a century earlier, and in his application of that older distinction to the power of kings, he was at one with the late sixteenth-century Puritan theologian William Perkins. That older and

somewhat narrower theological distinction had enjoyed a continuous life from the time of Hugh of St. Victor in the twelfth century down well into the seventeenth century. It was the distinction between the *voluntas dei beneplaciti,* variously referred to as the will of God's good pleasure or his concealed, hidden, or secret will, and the *voluntas dei signi,* commonly referred to as God's "signifying" or "revealed" will—signified or revealed, that is, in "the word of God contained in the holy Scriptures." And the intent of that distinction is to stress the fact that the vital thing for man is to eschew futile speculation about the dispositions of God's secret will and to acquaint himself, instead, with that revealed will whereby God makes known to us the divine modus operandi in the moral sphere and in the economy of salvation.[149]

The outcome for James of the conflation of these two distinctions was the intricate and sometimes baffling series of overlapping contrasts and analogies evident in the passages under discussion. First, between, in effect, abstract capacity and actual volition, between, on the one hand, what God "can doe" in the absoluteness of his almighty power, which it is "Atheisme and blasphemie to dispute," and, on the other, "his will revealed in his word," which "Divines may lawfully and do ordinarily dispute and discuss." Second, referring analogously to "the mysterie of the King's power," between, on the one hand, what a king "can doe" by his "absolute Prereogative" and "in the height of his power" (which is "presumption," "high contempt," and "sedition in Subjects to dispute") and, on the other, "the King's revealed will in his law"—that is, the expression of his "ordinary prerogative" which, as he wrote to the judges, was "every day disputed in Westminster Hall." Third, between the deportment of God in Old Testament times, when he "spoke by Oracles and wrought by Miracles," and the freedom from legal restraint characteristic of "the state of King's in their first originall." Fourth, between God's later choosing to govern "his people and the Church [oracles and miracles having now ceased] within the limits of his reveiled will" and the commitment of "setled Kings and Monarchies—in civill Kingdomes," by a "paction" analogous to the covenant which God made with Noah after the Flood, to rule in conformity with the will they have revealed to us in their laws.

Not even the evocation in these intriguing statements of a dimension of historical change is wholly without precedent in the long tradition of commentary on the absolute and ordained power of God. And it is (again) that vision of order, grounded in will, promise, and covenant, rather than the rival vision expressed in the notion of the great chain of being, that constitutes the broadest intellectual context in which the controversial claims that James expressed in these speeches should properly be read. That vision, while it did vindicate

in both its theological and legal variants the ultimate freedom of sovereign choosing and willing, also affirmed the reliably self-binding capacity of that sovereign willing and emphasized the degree to which confidence could be placed in its stability.[150] If in its legal version, and as we have seen, it did indeed serve the cause of those who wanted to claim that on extraordinary occasions the sovereign could act beyond and even against the law, it could also be invoked by those whose purpose it was to underline the existence in ordinary circumstances of legal restraints on the exercise of sovereign power.[151] In the crucial 1609/10 speech, notwithstanding James's rhetorically disastrous ascription to kings of the power to "make of their subjects like men at the Chesse," he also chose, after all, to deploy the conflated absolute/ordinary power and hidden/revealed will distinction. And that choice invites contemplation of the intriguing possibility that it was his intention by so doing to reassure his understandably edgy audience and to soften for them the otherwise uncompromising contours of what has traditionally been understood as a distressingly absolutist effusion.[152]

It has sometimes been claimed that it was during the latter part of the seventeenth century rather than the earlier years on which we have concentrated that the Divine Right Theory of Kingship reached its apogee and enjoyed its most widespread currency. In France, that is, only after the turbulence of the Fronde (1648–53) and finding quintessential expression there in Bishop Bossuet's *Politique tirée des propres paroles de l'Écriture Sainte.* In England, during the Restoration era, after the trauma and uncertainties of civil war and interregnum (1642–60), and finding there its great expression in Sir Robert Filmer's celebrated *Patriarcha,* which was published for the first time only in 1680.

By that time, however, so far as the Divine Right Theory of Kingship went, dusk was already gathering and the owl of Minerva had already moved to spread its wings. The successive assassinations by Catholic fanatics of Henri III and Henri IV of France had doubtless led to a successfully heightened emphasis on the sacrosanctity of kings. But in mid-century the pattern of thinking which undergirded such notions was shaken to its very foundations, and not in England alone, by the formal trial, condemnation, and judicial execution of Charles I and the subsequent protracted attempt to abolish the English monarchy altogether. When divine right theory finally came into its full flowering in seventeenth-century Europe, then, the shadows had already begun to lengthen for the age-old institution to which it accorded so mysterious a preeminence and so lofty a status.

6. The Politics of Consent (i)

politia saecularis

"IN HIS PRIME," James I, it has been said, "was admired . . . as a man of intelligence, of dignity and of pleasing appearance. He was not the buffoon in purple or the impossible pedant that the scandalmongers of the court would have us believe."[1] But his vanity, bad manners, obsessive fear of assassination, the difficulty he encountered in trying to fit English institutions and practices to his native Scottish preoccupations, his propensity, nevertheless, for lecturing royal advisers and parliamentarians alike on the mysteries of statecraft, as well as the laziness, slovenliness, physical deterioration, and growing insobriety that characterized his later years—all of these lent enough color to the caricature as to leave the strength of what he wrote obscured by the shadow of his reputation as "the wisest fool in Christendom." No one, however, who has taken the trouble to read with any degree of attention what he wrote—not only on kingship but also on the 1606 oath of allegiance and against Cardinals Perron and Bellarmine[2]—will be tempted to call into question the solidity of his learning, to fail to recognize his thoughtfulness, or to deny, even, the sharpness of the vision to which he was at least intermittently capable of attaining. Nor, moved by some species of constitutionalist hindsight, should one be tempted to assume that it was his unfortunate destiny to have been cast in the role of a hapless Canute, impotently bidding the tides of constitutional progress to stand still.

Far from it. In the cut and thrust of early modern political debate, those (like James) to whom it fell to advocate for kingship of a quasi-absolutist stamp were not necessarily judged by their contemporaries as obvious losers. We have seen that out of the time of troubles that had overtaken monarchy in the fifteenth century had finally emerged forms of kingship that were somewhat more reliably financed, more adequately institutionalized, less subject to limitation by the parliaments and representative institutions of the era, and more prone to advancing with a measure of confidence quasi-absolutist claims for the reach of their prerogatives. From about 1450 onwards, or so John Neville Figgis once claimed, it had come to seem "to most practical

statesmen and to all sovereigns that absolute monarchy was the most civilized form of government." Constitutionalist instrumentalities in almost every country were coming, accordingly, to be regarded by monarchs and modernizing statesmen alike as "inefficient clogs upon the wheels of government," "not merely wrong but stupid."[3] That in the teeth of such attitudes constitutional restraints on monarchical power survived in England to become the basis of what was ultimately to develop into parliamentary democracy is not to be attributed to their unique quality. Though the English case did possess some singular features,[4] by and large most of those restraints were in one form or another common to the greater part of medieval Europe. Their survival in England is to be attributed instead to a complex concatenation of factors only three of which, all of them functioning at the ideological level, may detain us here.

The first of these, prevalent especially among the common lawyers, was the appeal to the notion of the "ancient constitution," to the sacrosanct nature of immemorial customary provisions serving to protect the liberties of individuals and imposing thereby traditional limits upon the effective reach of royal authority. The second, grounded in the legitimating role of community consent, sought to hold the king accountable in some sense to the wishes of his people. While in the early decades of the seventeenth century these two ideological strands were complexly intertwined, the stresses and strains of civil war in the 1640s had the effect of drawing to the surface the degree to which they could, in fact, be divergent. The third, which encouraged the rise to prominence in one form or another of theories of legitimate resistance to royal power, was the stubborn persistence in England (as elsewhere in Europe) of strong religious minorities that belligerently refused on certain critical issues to conform to the beliefs and practices of the churches by law established. To this last factor we will return in the final chapter of the book. It is, instead, on the antecedents of the second factor that we will be focusing in this and the chapter following. To tease apart too adamantly what late medieval authors had to say about the functioning of consent in the secular and ecclesiastical realms, respectively, would doubtless be to risk putting misleadingly asunder what they themselves so often instinctively joined together. But the intricacies and complexities embedded in the process whereby notions of legitimation by consent gradually emerged during the later Middle Ages suggest at least the expository wisdom of effecting a temporary separation of the two in order to examine them sequentially and prior to bringing them together, once again, and by way of conclusion, in the book's final chapter. For, as will then become clear, together, certainly, they ultimately belong.[5]

Legitimation by Consent Revisited

In the second volume of this series, and in the course of probing the proto-constitutionalist developments that marked the twelfth and thirteenth centuries and the historic emergence all over Europe of representative assemblies of one sort or another, we were led to focus quite intently on consent, its nature, the role it played in political life, and the changes in form it underwent across time.[6] In the interest of clarity which, at least at this point, must trump the risk of redundancy, and before going on to address the various theories of consent elaborated by prominent thinkers in the later Middle Ages, I must first briefly recur to the principal conclusions arrived at in that earlier discussion. In the gritty realities of medieval political life, ecclesiastical as well as secular, consensual forms and practices were everywhere evident. And their roots extended to varying depths in the cultural soil and subsoil of Europe. Age-old immemorial custom, the thinking and practices of the ancient Germanic peoples, the inheritance from Rome of law, private as well as public, the novel twist the medieval canon lawyers had given to the body of corporation law they had inherited from Rome,[7] as well as their creative development and transfer into the political realm of private law practices connected with the ancient legal mode of delegating to a proctorial figure what we are accustomed to calling "power of attorney"—all of these fed their nutrients into what was to become in the fourteenth and fifteenth centuries a forthright preoccupation with the role of consent in political life.

It is not simply to be assumed, however, that the nature of the consent envisaged or the role characteristically ascribed to it in those centuries was necessarily identical with what modern political philosophers from Hobbes to Kant had in mind when they elaborated their own theories of legitimation by consent. In relation to that point I emphasized the usefulness of the (essentially Weberian) distinction that Alexander Passerin d'Entrèves drew between the state regarded as "power" and the state regarded as "authority." In his chosen terminology he equated the former with "the State of legal theorizing, where power means force qualified by law, force with the sign 'plus' attached to it." In this case, the concern is primarily "with the validity or 'legality' of commands. The power of the State is a legal power, conditioned by the existence and observance of law, 'valid' only in so far as it is legally determined and appointed. Where law ends, power ends." But "legality" is not to be confused with "legitimacy." And we can speak of legitimacy only when the power of the state, however legally exercised, is so grounded in a justification of moral and philosophical nature that the acquiescence of the subject or citizen

deepens now into obligation. As d'Entrèves puts it, "We should not assume that we have fully unraveled the notion of the State unless we are able to explain how force, first legalized as power, becomes in turn legitimate as authority."[8]

Commit oneself to that distinction and to the validity of that terminology and one has, perforce, to concede that in the thirteenth century, at least, the type of consent elicited in large territorial states via the new parliamentary or representative assemblies that were putting in an appearance all over Europe was not really (certainly not fully) the type of consent that can accurately be called "political," still less "democratic"—the type of consent that expresses the sovereign will of the people and implies some sort of limit on the reach of the ruler's prerogative. True instead to its roots in private law and the specificities of legal due process, and especially so at the outset, that form of consent remained very much consultative, procedural, even "compulsory" in nature. In d'Entrèves's terminology, that is, the moves involved pertained to legality rather than legitimacy, to power rather than authority. Only in the course of subsequent centuries did all of that change, with a shift occurring in gradual and intermittent fashion to something approximating legitimation by consent. Even then, it remains unlikely that any medieval thinker ever embraced the fully modern theory in all of its precision.

That latter theory, after all, set out to explain political obligation or legitimacy not in terms of divine or prescriptive right, of aristocratic superiority, of the necessity of the common interest, convenience, or the "natural" status of political life, but rather in terms of the freely given consent of the governed. So far as political life is concerned, that is to say, the theory sought to ground the obligation of the subject or citizen in the realm not of final causes but efficient, not in the ends that government exists to promote but in the source from which they derive their powers. More specifically, it sought also to ground political legitimacy and obligation in consent conceived in a very particular way—not simply as the agreement of the community as a whole but as a concatenation of discrete acts of autonomous individuals. And, resonating to the Hobbesian view that there is "no obligation on any man, which ariseth not from some Act of his own for all men are equally by nature free,"[9] the theory regarded that obligation, accordingly, as in some very significant way self-assumed.[10]

As we encounter, then, the various theories of consent set forth for scrutiny in the next two chapters, we will have to be alert to the precise nature of the consent being talked about and the specific character of the role in political life being accorded to it. In particular, we will have to ask of it if it is the type of consent that, in d'Entrèves's

terminology, pertains to “power” or that which pertains to “authority.” Similarly, whether it is consent conceived as the consent of the community as a collective or corporate whole or as a concatenation of individual acts of willing. The thinkers we will be engaging with constitute a fairly representative cross section, and they are possessed of differing national backgrounds, life experiences, characteristic preoccupations, and professional formation. While all are products of the scholastic rather than the humanist educational mode or tradition, they still differ somewhat in training and vocation. John of Paris, Ptolemy of Lucca, Marsiglio of Padua, William of Ockham, and Wessel Gansfort were all of them philosophers or philosopher-theologians. But Bartolus of Sassoferrato and Baldus de Ubaldis were among the most celebrated of medieval civil lawyers. And while, given his metaphysical originality and the formidably protean nature of his intellectual gifts, it would be easy and not altogether inaccurate to classify Nicholas of Cusa as philosopher and theologian, he was, in fact, trained as a canon lawyer at Padua. Again, if the milieu of Ptolemy, Bartolus and Baldus was that of the north Italian city-states, as also was Marsiglio’s at least in his youth, William of Ockham was an Englishman, John of Paris was French, and Wessel Gansfort hailed from Gröningen in the Netherlands. Yet again, Ptolemy and William of Ockham were friars, Dominican and Franciscan, respectively. Marsiglio of Padua, Nicholas of Cusa, and Wessel Gansfort were ordinary diocesan clergy, and Bartolus and Baldus were laymen or, perhaps, clerics in minor orders.

John of Paris (d. 1306), Ptolemy of Lucca (d. 1327), Bartolus of Sassoferrato (d. 1357), and Baldus de Ubaldis (d. 1400)

About the role of consent in the ecclesiastical polity John of Paris, as we will see in the next chapter, had much that was significant to say. About its role in the secular polity, however, he limited himself to affirming in the most general and unspecific of terms that it was the will of the people (however mediated) that made and unmade kings and emperors.[11] We must really begin, then, not with John of Paris but with Ptolemy of Lucca who is a good deal more forthcoming on the matter. It is, I think, stretching things a little to identify him as “one of the half-dozen most remarkable medieval political thinkers,” but he does appear to have been one of the first among them “not to endorse Kingship as the best form of government.”[12] For that reason, and for his concomitant endorsement of republican and consensual institutional forms, it is appropriate to choose his work as point of

departure as we embark upon a discussion of the role which later medieval legal and political thinkers accorded to the consent of the governed in secular polities. The more so in that, for long centuries, his principal piece of political writing, the *De regimine principum* (*On the Government of Rulers*), written around 1300, circulated under the name of Thomas Aquinas himself, enjoying as a result considerable status and popularity and exerting a demonstrable influence on the political thinking of Sir John Fortescue in England and on the Florentine reformer Girolamo Savonarola (1452–98).[13]

Born around 1236 into a family of the middle class in the Tuscan republic of Lucca, Ptolemy joined the Dominican order, studied under Aquinas at the University of Paris, accompanied the latter upon his return to Italy, and later, after Aquinas's death in 1274, served as prior of more than one Dominican house in Italy before joining the papal court at Avignon. He rounded out his career as bishop of Torcello near Venice, where he died at an advanced old age in 1327. His *De regimine principum* is, in fact, the completion in four books of the work of another, with the section that runs down to book 2, chapter 4 being traditionally ascribed to Thomas Aquinas and entitled *De regno: ad regem Cypri.*[14] In organization, the overall composite work is a rather loose-limbed effort, perhaps even a little disheveled, punctuated by a plethora of exempla drawn from the Bible, from classical antiquity, and even from the political history of the Middle Ages. In its argumentation, it must be confessed, it is not overburdened by any too exacting a preoccupation with consistency. Thus, by way of illustration, though he has been hailed as a staunch advocate of republicanism—"the first Italian republican who could justify his position in a theoretically competent way,"[15]—so far as the universal church went, he was an adamant monarchist, a high papalist for whom the pope, in this like Christ, was both "king and priest," possessed of "the fullness of power," "to be preferred to all other lordship," the one who stands in the place of Christ and "takes the place of God on earth."[16]

So far as the secular polity is concerned, however, he was less hard-edged, ideologically speaking, and more pragmatic in disposition than his obvious republican sympathies might suggest. Following in the footsteps of Aquinas, he distinguished between *regal* and *political* rule (*regimen regale, regimen politicum*) but is flexible and responsive to cultural and geographical contingencies in his deployment of those categories. Differences of disposition, he notes, are evident among those dwelling in different regions of the world, and he concludes that "government and lordship," whether regal or political, "ought to be ordained according to the disposition of the particular nation." Thus "certain provinces [which] are servile by nature" should be subject to

regal rule. That tends to be the case with "provinces" or large territorial entities (though, at the same time, to complicate things, he does not preclude the existence of a *regimen politicum* even in large provinces).[17] Others, with "a virile spirit, a bold heart, and a confidence in their intelligence," can only be subjected to political rule. That is particularly true of Italy, where "the inhabitants are always less able to be subjected than others." And the same is quintessentially true of cities, so much so indeed, that he can say that "when I consider a polity, I refer to a city."[18]

All of that duly acknowledged, Ptolemy's sympathy with the *regimen politicum* and, therefore, with republicanism is not, as was once the case, to be brushed to one side.[19] Regal rule involves servitude and, through sin, becomes despotism. It had no place in the state of innocence prior to the Fall, when political rule, which is "better for wise and virtuous persons," prevailed.[20] Under regal rule the law is made for the king's utility and its provisions do not bind him; indeed, what pleases him "is held to be law."[21] Political rule, on the other hand, involves the rule of the many who have been elevated to that role via an electoral process. In the exercise of the governing power they are subject to laws "handed down to them or from the will of the people," and they are held accountable if they fail to govern in accordance with those laws.[22] It is a mode of governance, Ptolemy notes, that is characteristic of cities, especially so in parts of Italy, and it is similar to that which prevailed in ancient Greece during Aristotle's lifetime.[23]

About the popular, consensual roots of his preferred "political" mode of governance Ptolemy leaves no room for doubt, but he is far from specific about the nature of the consent involved. In this respect, the great "post-glossators" Bartolus of Sassoferrato and Baldus de Ubaldis, master or pupil, and each of them, successively, the most renowned jurist of his day, are somewhat more precise.[24] Their medieval jurisitic predecessors had long debated the question of whether the Roman people's concession to the emperor by an alleged *lex regia* of all its authority and power (*imperium* and *potestas*) was revocable or irrevocable.[25] But neither Bartolus nor Baldus chose to ground what he had to say about the role of consent in political life on any such historical event allegedly dating back to Roman antiquity. Instead, they took their start from the political realities of their own day and from the status at law of the Italian city-states which were the primary focus of their concern. And the challenge they undertook was not, as with so many of their predecessors, that of accommodating fact to juristic theory but, rather, as Woolf insisted long ago, that of "accommodating theory to facts."[26] The juristic theory in question, to which Bartolus still subscribed, was that the emperor as "lord of the

world" still enjoyed a species of universal jurisdiction over the other principalities and powers of Christendom and therefore—the neuralgic point for him—over the city-states of northern Italy. The stubborn fact, perhaps more evident to us in retrospect than to people at the time, was that the Italian city-states of the day were behaving in practice less as subordinate corporations within a larger imperial political entity (the so-called *regnum Italicum*) than as quasi-independent sovereign states. It was in their effort to close this troublesome gap between the imperial theory they espoused as jurists and the recalcitrant facts that governed their lives as contemporary Italians that Bartolus and, after him, Baldus were both of them led to foreground their respective theories of consent. And if it was the achievement of Bartolus to have taken the first steps in purely juristic terms it was that of Baldus to have gone on to take the complementary step of furnishing their whole argument about consent with a quasi-philosophical foundation.

What Bartolus did was to take his cue from the customary pattern of conduct prevailing among a people and from the element of "tacit" consent which had the effect of transmuting into obligatory rule and customary law what would otherwise have remained for that people merely a matter of customary conduct or action.[27] The tacit consent in question is, of course, that of the people, for "it is the people alone—no emperor, no king, no pope has any say in this matter—who confer a legal and obligatory character upon these factually observed customs."[28] That being so, he concludes, and so much the more, should not the *express consent* (*expressus consensus*) of the people, rather than the will of a superior, be credited with the power to make written law or statute? The consent of the people (*consensus populi*) he views as fundamental throughout, and it is a city's very withholding of consent to a superior that transforms it from a corporation subject to imperial authority into a city possessed of sovereignty which is its own superior (*civitas sibi princeps*) and its people, accordingly, into a "free people" (*populus liber*).[29] "What Bartolus did," in effect, "was to present the fact of not recognizing a superior as an effluence of the legally-valid *consensus populi,*" thereby opening up the way for a city that thus refuses to recognize a superior "to be a proper State, endowed with all the appurtenances of legal (and political) sovereignty."[30]

By insisting thus on the fundamental nature and role of the *consensus populi* Bartolus was able to bridge the challenging gap between high juristic theory and gritty political fact to which the de facto independence with which the Italian city-states operated so insistently pointed. It was left, then, or so Canning has persuasively argued,[31] for Baldus de Ubaldis, not only to follow in the juristic

footsteps of his great predecessor but also to take matters a stage further. By so doing, he was able to find a measure of philosophical support for the claims Bartolus had been bold enough to make on purely juristic grounds. In order to do that Baldus had to prove willing to accommodate the Aristotelian vision of things political in a way that Bartolus had not. For the latter had by and large refrained from making that move, in one place noting, indeed, that jurists did not understand Aristotelian terminology or, at least, did not find it to their taste.[32]

Baldus, however, clearly regarded the Aristotelian claim that man was by nature a political animal—that it was only through life in a polis that man could truly realize his human potentialities—as reflecting an insight pertinent no less to the Italian city-states of his own day than to those of classical Greece. That view of things he moved to incorporate within the structure of his juristic argumentation and to use as a philosophic underpinning for the essentially juristic Bartolist case that it was via the *consensus populi* that the sovereign independence of the city-state from the jurisdiction of a superior lord could be legitimated. If the *jus gentium* (law of nations or law common to all peoples) stood behind the existence and independence of the city-state, we should not miss the fact, and as the great Roman jurist Gaius had noted, that the *jus gentium* was itself what "natural reason dictates to all men," standing therefore cheek by jowl with natural law itself.[33] For Aristotle, consent (an efficient cause) had occupied a place that was no more than peripheral to his political vision, his own emphasis lying rather on the final cause of political association, the good and sufficient life that that sort of association alone made possible. Baldus, however, took another tack. In so doing, he shifted the emphasis to efficient causality and foregrounded accordingly the role played by the consent of the citizen. And he appears to have regarded that consent as itself "the practical expression of man's political nature."[34]

In all of this one catches a momentary glimpse, if only as in a glass darkly, of the shadowed route by which mechanisms of consent came gradually to be theorized, drawn out of the orbit of age-old day-to-day practice and nudged, instead, toward that in which the similarly ancient tradition of natural law discourse rotated. But rather than to the jurists, it is to the philosophers and theologians that one must look for more thoroughgoing evidence of that crucial transit. And not to all of them, as becomes very clear when one moves on to focus on the well-articulated theory of consent that lies at the very heart of Marsiglio of Padua's political thinking.

Marsiglio of Padua's *Defensor Pacis*

Marsiglio has a great deal to say about consent but little or nothing about natural law. And what little he does have to say on that latter subject, although taken more often than not to reflect a peremptory break with the whole preceding tradition of natural law thinking, is in fact somewhat oblique and certainly less than clear.[35] In this connection, however, two caveats should be posted. The first concerns the nature of the preceding intellectual tradition against which Marsiglio's thinking is being measured. The second concerns what Marsiglio had himself to say on the matter.

So far as the preceding tradition of natural law thinking is concerned, it is hard to construe it convincingly as anything more than a rather loose-limbed "tradition of argument or discourse." As such, it implies little more minimally than "a shared subject matter" centering upon "a related set of questions or common concerns," something not to be confused with a full-blown "tradition of thought" which, in responding to such questions and concerns, embodies also a shared constellation of moral or metaphysical commitments "and preserves across time a certain identity, continuity and authority."[36] Even if one ignores the differences among the views expressed by Stoic and patristic writers, or between patristic and juristic, or among the jurists, or between civilians and canonists and chooses to limit oneself to scholastic views, the picture is still by no means a simple one. And it is certainly not to be identified *tout court* with Aquinas's rather systematic and in some ways atypical views on the matter.[37] All, however, is not lost, and the sheer multiplicity of notions affiliated with the term "natural law" notwithstanding, there is much to be said for Paul Sigmund's robust affirmation that there would still appear to be a continuing and

> central assertion expressed or implied in most theories of natural law. This is the belief that there exists in nature and/or human nature a rational order which can provide intelligible value-statements independently of human will, that are universal in application, unchangeable in their ultimate content and usually obligatory on mankind . . . , [those statements being] expressed as laws or as moral imperatives which provide a basis for the evaluation of legal and political structures.[38]

Cutting through the cautious qualifications and scholarly hesitations to which the sheer variety of natural law theories inevitably gives rise, Sigmund's formulation effectively catches, or so I would judge, the central intuition of the philosophical (if not, necessarily, the juristic)[39] version of the natural law tradition. Namely, that human beings through the diligent use of their reason do have access to norms of justice that are in some profound sense natural and universal rather

than conventional and provincial.

That duly noted, we must now ask what exactly Marsiglio himself had to say on the matter and how what he said relates to that central intuition. Neither question is easy to answer. One glancing comment of his might be taken, it is true, as implicit evidence of his alignment with the preceding tradition. Noting that for a law to be "perfect" in an unqualified sense it has to embody a "requisite true ordinance of what is just," he concedes that laws may exist (perhaps especially in the realms of the "barbarians") which are formally correct, in that they reflect a coercive command that they be obeyed, but which are still "simply speaking unjust."[40] To be able to make such a judgment presupposes, of course, that one has access by virtue of one's reason to some objective norm or standard of justice independent of human willing and authority, something akin, in effect, to natural law. But here Marsiglio had nothing further to say on the matter. Nor had he had anything to say about natural law in the chapters immediately preceding when discussing the various significations of the term "law," no suggestion that he believed that the validity of human positive law might be judged in terms of any such "external" standard. And when he comes (fleetingly) to discuss "natural right" (*jus naturale*) in the twelfth chapter of the Second Discourse, he does so in arm's-length fashion simply by way of reportage, evoking two prevailing usages in which the term "natural" is, in his opinion, being used equivocally. His own sympathies, so far as they are engaged at all, would appear to lie with the first of these usages, which is probably of civilian provenance, though he himself links it with the fifth book of Aristotle's *Ethics.* According to that usage, *jus naturale* denotes norms based on "human enactment," legislative statements that are called "natural" simply because "they are believed to be licit and their opposites illicit in the same way in all lands, just as the actions of natural entities which [like fire] lack purpose are produced in the same way everywhere."[41] Thus, "Marsiglio places natural law *within* the political realm and not above it," thereby rejecting "the notion of natural law as an extra-legal standard."[42]

What is reflected here, I would suggest, is something more fundamental, a pervasive orientation in Marsiglio's thinking that informs much of what he has to say about politics and which helps explain the characteristic intensity of his preoccupation with the role that consent plays as the foundation both of law and political authority. By the time he came to write the *Defensor pacis* he had studied and taught for long years in the Parisian Faculty of Arts and had in that connection written a series of scholastic questions on the first six books of Aristotle's *Metaphysics.*[43] With that background it is not surprising that he was conscious of the pertinence to political

analysis of Aristotle's discrimination of the four "determining factors" (or "causes" as they came later to be known) responsible for change. And on that matter he was, in fact, notably explicit.[44] While he mentions Aristotle's material and formal causes only in passing, in the opening chapter of the *Defensor pacis* he does dwell at some length on the end or final cause of political society. But in keeping with his medical training and his protracted studies in natural philosophy, it is to efficient causality that he persistently and quite deliberately returns throughout the First Discourse. Hence the cogency of Gewirth's repeated emphasis on Marsiglio's reorientation of political thinking from a focus on "ideal ends" to a focus on "proximate means," from a preoccupation with the finalistic orientation of the best possible state dedicated to the highest possible ends to one with the "efficient causes which preserve and control the state." Similarly, his insistence on Marsiglio's reinterpretation of "all the other elements of the Aristotelian [political] analysis in the light of . . . [a] primary concern with the preservation of the state." And again, his emphasis on the intensity of Marsiglio's concomitant focus on the fifth book of the *Politics* where Aristotle addresses the causes of revolution, as well as on the fact that "the fundamental context of the state" was, for Marsiglio, "the physico-biological 'nature' studied by natural science."[45] If there is little to be said in favor of the celebrated characterization of Marsiglio by the sixteenth-century Catholic controversialist Albertus Pighius as "a man more Aristotelian than Christian" (*homo aristotelicus magis quam christianus*),[46] there is much to be said for a more tightly targeted description of him as a thinker whose oft-evinced Aristotelianism was less normative in tone than natural scientific.

This should be kept in mind should one be tempted, as some recent scholars have been (and despite the degree to which notions of consent had come to be embedded in the jurisprudential thinking of the era),[47] somehow to interpret Marsiglio's preoccupation with consent as *conclusive* evidence of his "republican" sympathies, reflective, it may be of the degree to which the institutional life of the Italian communes, and especially that of his native Padua, formed the central context in which the *Defensor pacis* must properly be understood. To such an extent, indeed, that one eminent scholar was moved to conclude that in that work Marsiglio mounted "the fullest and most coherent defense of Italian republicanism that had yet been made."[48] That his familiarity with the constitutional and institutional arrangements of the contemporary Italian city-states helped to inform his analysis is not to be gainsaid.[49] Nor, similarly, should we underestimate the importance of his familiarity with the political disarray fomented in northern Italy by the intrusion of the papal

temporal power. But neither should we overlook the fact that his native city of Padua was Guelph, or papal, in its allegiance, nor that he evinced in the *Defensor pacis* great admiration for "that generous, noble and industrious Catholic gentleman . . . Matteo Visconti of fair memory, vicar of Milan by imperial authority," a delegated emissary of the emperor who had done much, in fact, to stifle participatory republican governmental forms in Milan.[50] Nor, again, should we ignore either the fact that the University of Paris was "the core of his world" or that "his strong anti-papal attitude probably did not develop until 1318 and was initially shaped by political considerations and career choices at that time."[51]

An unwillingness, however, to make of Marsiglio some sort of pre-humanist Italian republican does not necessarily entail any impetuous embrace of those antithetical interpretations—notably that of Jacqueline Quillet—which portray him as having been first a closet, then an open imperialist in his political sympathies, insist that "despite pseudo-republican appearances" the *Defensor pacis* was intended to lend support to the authority of the emperor, and conclude, in effect, that "the doctrine of popular sovereignty developed in the *Prima Dictio* is merely an artifice aimed at laying the theoretical foundations of the political power of the empire in opposition to the temporal monarchical structure of the papacy."[52] The *Defensor pacis* itself, or so I conclude, lends convincing support to neither of these extremes. So far as constitutional forms go, it is framed in flexible, elastic, adaptable fashion. *Pace* Gewirth, Marsiglio speaks not of "states" but of cities and kingdoms (*civitates, regna*), often uses phrases like "city or kingdom" (*civitas aut regnum, civitas sive regnum*), and tells us that he intends to use the word *regnum* to signify "something common to every type of temporal regime, whether in a single city or in several cities."[53] The governmental principles he lays out in the First Discourse are, then, ecumenical in their applicability, pertinent to "a realm (*regnum*) and any other temperate civil community."[54] Nederman is warranted, therefore, in speaking of it as embodying "a *generic* political theory," as also in emphasizing the extent to which Marsiglio erects in that discourse "a framework equally relevant to the experiences of urban communities, national monarchies, and more amorphous territorial units such as the German Empire."[55]

Such rather grumbly preliminaries now disposed of, we are in a position at last to address the purpose, construction, and doctrinal content of the *Defensor pacis* itself. About its purpose Marsiglio is notably (and repeatedly) explicit. The "greatest of all human goods," he says, "is the sufficiency of this life, which none can achieve without peace and tranquility." "Discord or strife" can be diagnosed, "like the

sickness of an animal," as the "indisposition of a civil regime." Aristotle in the fifth book of his *Politics* has identified and described nearly all the causes of this indisposition, but there is "one singular and well-hidden cause about which Aristotle knew nothing," for it took root after his lifetime and stemmed ultimately from a "miraculous effect" produced by God himself acting outside the usual operation of secondary causality. That "singular cause of strife" is nothing other than the papacy's overweening claim to possess a plenitude of power enabling it to intrude into temporal political matters. It has long plagued and continues to plague the Roman empire, especially the *regnum Italicum,* and being of highly contagious nature it poses a broader threat to "all other civil orders and realms" (*regna*).[56] Acknowledging that Aristotle had well described the other causes of strife, Marsiglio affirms that in the *Defensor pacis* it will be his purpose, "with the help of God," to expose only this "aforementioned plague of civil regimes" and "singular cause of strife," and to unmask it in such a way that it will henceforth be possible to exclude it "from all realms and civil orders" so that "virtuous princes and subjects can live in tranquility more securely."[57]

He approaches that basically polemical task from different directions in the three parts or "discourses" into which the work as a whole is divided. Though clearly intended to be complementary, the three discourses are very different in grounding and texture. In the First Discourse he sets forth what he takes to be the fundamental principles undergirding the science of politics and as being broadly pertinent to the realms of this world irrespective of place or time. In so doing, he grounds his arguments in natural reason or, as he puts it, proceeds via "sure methods discovered by human ingenuity, consisting of propositions that are self-evident to any mind not corrupted by nature, custom or perverse affection."[58] In the Second Discourse, which is the longest of the three and the one that attracted by far the most attention in his lifetime and during the centuries immediately following, Marsiglio seeks to "corroborate" the conclusions arrived at in the previous discourse on the grounds now of divine revelation, its interpreters, and "other approved doctors of the Christian faith."[59] And the brief Third Discourse consists largely of a series of boiled-down conclusions, billed as having been drawn from the discourse preceding (though not corresponding exactly with its content) and positioned, it would seem, as a call to action. At the beginning of the whole work, addressing him as "the minister of God," Marsiglio had expressed the hope that the emperor Lewis IV would "give this work the ending it hopes for from the outside." And, at its end, he confidently proclaims that both prince and subject, "the primary elements of any civil order," would be able to "understand by this

treatise what they must do in order to preserve the peace and their own liberty."[60]

In the next chapter, where we will be concerned to probe the interface between ecclesiology and political thinking, I plan to address what Marsiglio had to say in his Second Discourse. That section of the *Defensor pacis* which, despite its size, political philosophers and historians of political thought have all too often neglected, consigning it thereby to the same fate that has so often overtaken Locke's *First Treatise* or the third and fourth part of the *Leviathan* of Hobbes—"Of a Christian Commonwealth" and "Of the Kingdom of Darkness." Perhaps understandably, their primary focus has tended to be on the (deceptively) "modern" body of secular political thinking elaborated in the First Discourse. In this chapter, it will be our task to follow in their footsteps, focusing exclusively on that discourse and placing a special emphasis on the role that consent plays in Marsiglio's thinking.

It is, however, with final not efficient causation that he begins, addressing the civil community or the city (*civitas*) which is, he says, the perfect community, doing so very much, it would seem, as Aristotle had done in the first book of the *Politics.* Thus he traces the city's emergence from such lesser (and less perfect) natural groupings as those of male and female, family or household, village or neighborhood.[61] But as turns out so often to be the case when Marsiglio flourishes the authority of the "excellent" or "divine Aristotle,"[62] all is not quite as it seems. Aristotle had proceeded analytically in terms of the ends or final causes to which successive forms of community were ordained. Marsiglio's line of march, on the other hand, is essentially historical in nature, responding to the different levels of complexity to which those successive forms attained and to the different types of governance appropriate to them.[63] Nowhere does he evoke Aristotle's fundamental principle that man is by nature a political animal in the sense that only in the polis can he become truly human. He does echo Aristotle's argument that the polis/city is a perfect, self-sufficient community enabling human beings not simply to live but to "live well," and he defines living well (so far as it is "temporal or worldly" as opposed to "eternal or heavenly") as involving the possession of leisure for the liberal activities that result from the virtues of the practical and of the theoretical soul.[64] And, that being so, he does envisage the city as in some sense a school for character or community of virtue. But that vision quickly slips away, to be lost from sight as Marsiglio begins to divert his attention from ends to beginnings, from final causes to efficient, from the conditions that make possible a life of virtue to the instrumentalities that can ensure the more gritty goal of curtailing strife and ensuring peace. For "disputes and scuffles break out among

men who are gathered together in this way," and were they not regulated by "a standard of justice" and a "guardian or executor of it," they could eventuate in destructive fighting and "ultimately [in] the destruction of the city itself."[65]

That regulative effort is exerted, then, to control human acts. But by no means *all* human acts. It extends, Marsiglio tells us, only to that subset of the "actions and passions of men that proceed as a result of our cognitive and appetitive powers." And, even then, it extends not to all of those acts but only to those that he labels as "transient" or "transitive" (i.e., *transeuntes* as opposed to *immanentes*)—that is to say, those which have an impact on other people. These are the acts, or so he puts it, which "cross over into a subject different from the agent" and "are performed by means of an external organ or limb moved in respect of place." And to such acts he opposes those "thoughts or desires or inclinations of men" which are internal to the agent.[66] This distinction is of some significance. Marsiglio's insistence that the desire, thoughts, and intentions of men can be known only to God and be rewarded or punished only in a future life, lying therefore beyond the reach of the government's regulating control that extends only to overt external acts, serves to underline yet once more the nature and extent of his departure from the Aristotelian preoccupation with ideal moral ends. It underlines also his departure from the Aristotelian conviction that political authority must work not only to regulate overt external action but also, by forming and shaping their innermost character, to make men good.[67]

It is in order, then, simply to correct, moderate, and reduce "to equality and due proportion" the excesses in the overt and external acts of men (what he calls elsewhere "human civil acts")[68] that there is needed in any political community both a standard of justice and an agency to serve as guardian and executor of that standard. So far as the standard itself is concerned, it is, of course, the law that provides it, and it is, accordingly, to the nature of law, its distinguishing characteristic or "most proper signification," its various types, and its source, grounding, or efficient cause that he devotes the tenth to thirteenth chapters of the First Discourse. Having explored the bewildering multiplicity of senses with which the term "law" has commonly been deployed, Marsiglio narrows his focus to the "more widespread sense" in terms of which "law" implies a science or doctrine of universal judgment of those things that are just and advantageous to the city and their opposites.[69] But that focus, he goes on to say, is really not narrow enough. For even in the "widespread sense" alluded to, the law is still open to consideration in two very different ways. These, for the sake of convenience, we may label as "cognitive" and "imperative." By the *cognitive* he means law (*lex*) as

"the science or doctrine of right" (*juris scientia vel doctrina*)—that is, law "simply in itself" insofar as it merely gives "an indication of what is just or unjust, advantageous or harmful." By the *imperative,* on the other hand, he means law that is "handed down by . . . a command . . . given in respect of its observation, which coerces by means of penalty or reward meted out in this world." Only in this second, imperative form is an enactment "most properly called, and most properly is, law" (*lex*). Hence his succinct definition: law is "an ordinance concerning the just and beneficial and their opposites arrived at through political prudence . . . [and] having coercive power." However "just and beneficial in civil terms" an ordinance is, and however accurately indicative of what is just in the purely cognitive sense, lacking coercive sanction that ordinance is not properly a law.[70] All of that said, we still, however, have to take into consideration one final refinement and circumscription of what is meant by law. This pivots on the fact that the coercive force he has inserted at the very heart of law must involve "penalty or reward meted out *in this world.*" Were that not the case, the divine law handed down by God, which along with human law certainly does provide a just standard governing the acts of men in civil society, and which meets both the cognitive and the imperative criteria that Marsiglio has stipulated, would stand as law in the political community side by side with human law. And were that the case, there would be no escape from the potential for civil conflict and discord to which the long centuries since the conversion of Constantine have so amply witnessed. Through the ineffable wisdom of the divine legislator, the coercive rewards and penalties which serve to turn the divine ordinances into law take effect only in the next life. As a result, according to Marsiglio's very precise definition of the law that governs human acts in the civil community, divine law lacks in this world the requisite imperative and coercive dimension needed to make it a law properly so called. It possesses, in effect, only the cognitive dimension.[71]

In the political communities of this world, then, human law as Marsiglio has defined it reigns supreme, encounters no internal competition, and is subject to no external challenge, whether from divine law or from some putative natural law. But to what does it owe that extraordinarily favored status? Here, his marked orientation to efficient causality comes once more powerfully into play. If the will of God is the source and ground of divine law, wherein is the efficient cause of human law to be found to lie? Marsiglio's reply is *in principle* totally clear, and it amounts to the very foundation of his entire political vision. The efficient cause in question, he tells us, is the will of the people—that is to say "the people or the universal body

(*universitas*) of the citizens or else its prevailing part." And that will is "expressed in speech in a general assembly of the citizens" when "it commands or determines, subject to temporal penalty or punishment, that something should be done or omitted in respect of human civil acts."[72] Should it be objected that the corporate body of citizens, while certainly competent to provide the imperative and coercive dimension of the law, is less well equipped, given the omnipresence of wickedness, stupidity, or simple lack of discernment, to identify and furnish its cognitive content, Marsiglio responds by making a distinction concerning cognitive content. What he does is to discriminate between the *discovery* of "the true and useful things that ought to be established" where "the more learned and experienced" may properly hold sway and the judgment concerning the rectitude and adequacy of what they propose. That judgment pertains, not to the learned few but to "the universal body of citizens or its prevailing part," which is "more able to perceive what ought to be chosen and what rejected than any of its parts by itself."[73] Hence his conclusion that "it is both appropriate and highly expedient for the universal body of the citizens to commit the search for discovery and examination of rules of what is just and advantageous in civil terms . . . which will be the future laws and statutes—to prudent and experienced men." So long, of course, as those "future laws," having been "discovered and diligently scrutinized, . . . be laid before the assembled citizen-body for approval or rejection." For that citizen-body alone constitutes the legislative efficient cause which, by adding the imperative or coercive force to the equation, can transform prudent regulation into binding law.[74]

So far, so good, at least in terms of basic principle. But basic principle is still haunted here by the presence of two possible qualifications. The first of these, somewhat spectral in nature, is generated by the characteristic preoccupations of the modern political philosopher. The second is summoned up by the language Marsiglio himself uses, and it reflects the complexities of the political phenomena he was attempting to capture within his conceptual net. And both are pertinent to the degree of stubborn scholarly disagreement dogging the attempt to make sense of what he was trying to say.

The first qualification concerns the nature of the consent that Marsiglio identified as the efficient or "productive cause" of human law. Was he, as some have been tempted to think, envisaging the type of consent characteristic of the social contractarian tradition as it unfolded from Hobbes to Kant? Consent, that is to say, conceived as a concatenation of discrete acts of willing on the part of a congeries of self-sufficient, autonomous individuals. Or was his thinking unfolding

in somewhat more traditional collective terms? The latter was almost certainly the case. Although the notion of individual subjective rights was certainly not foreign to his thinking,[75] it was not a "total of pre-existing, equal, individual rights" that found expression in the type of consent that Marsiglio construed as the efficient cause of law but "the right of the whole [corporate] community, organized within itself as differentiated in quality."[76]

The second qualification is not only invited by the language Marsiglio himself uses when evoking the efficient cause both of the law and of the ruling part (*pars principans*) of the political community but is positively foregrounded by it. Although we have thus far not remarked on the qualification in question, it cannot have escaped the reader's attention that when Marsiglio invoked the efficient cause of law, the imperative dimension of coercive force that makes it to be truly a law and identified it as the will of the universal corporate body of the citizens, he added "or else its prevailing (or weightier) part [*pars valentior*]." And he did that repeatedly whenever he invoked that efficient cause. But what did he intend by that qualification? At its least destabilizing of what in its absence might be classified as popular sovereignty, it appears to have meant for him little more than the eminently practical recognition of the fact that "it is not always easy or even possible for all persons to agree upon one opinion because some individuals have a stunted nature, which through singular malice or ignorance is out of harmony with the common view." Similarly, an equally practical insistence on the fact that what would serve "the common advantage should not be impeded or neglected because of the irrational objection or opposition of these people."[77] Thus far, even though Marsiglio does insist that he understands the *valentior pars* as taking into account the *quality* as well as "the quantity of persons in the community upon which the law is passed," he still seems basically to believe that that prevailing or weightier part which represents the entire body of citizens will be constituted by an overwhelming majority of them.[78] And this latter he often identifies, then, as the "human legislator" (*legislator humanus*), the "motive" cause or "primary and effective cause of the law."[79]

"Often," however, rather than "always," for the term *legislator humanus* proves, in Marsiglio's subsequent usage, to be a more flexible and capacious term than "the people or the universal body of citizens, or its prevailing part" might suggest. That is to say, in the cause, it may be, of the "generic" nature of his political vision, he allows his signal to drift off that rather precise and populist frequency, so that he is willing to envisage the role of human legislator as capable of being played, via a complex process of delegation and representation, even by the single person of the Roman emperor himself. That, certainly,

and as we have seen,[80] was the position he adopts in his *Defensor minor.* For there he argues that the communities of citizens in each region and province having transferred their legislative power to the Roman people, the latter had then had the authority, in turn, "to legislate over all the world's provinces" and, further, "to transfer its authority to legislate to its rulers." So that throughout the *Defensor minor* he tends to equate the *legislator humanus* rather loosely with "the community of citizens or their greater part, or the supreme Roman ruler who is called emperor."[81] Lest we might be tempted to conclude that that reflects a major departure from what he had to say in the *Defensor pacis,* it should be noted that in the latter work, he had not hesitated to describe the seven imperial electors, the tiny minority whose prerogative it was to choose the Holy Roman Emperor, as "the prevailing part of those who have the duty to elect" him, namely, the people.[82]

Of course, when he wrote those particular words about the human legislator or its prevailing part he was, in fact, concerned with the efficient cause not of the law but of the prince or ruling part of the political community. But, then, he made it clear that it was to that same human legislator "or active cause" that "the election of principates also" belonged.[83] It will be recalled that Marsiglio had affirmed, if the excesses of human civil acts were to be corrected, moderated, and reduced "to equality and due proportion," the necessity of there being not only the standard of justice that the law provided but also of an agency to serve as guardian and executor of that standard. If it is to be a perfect community, he says, the city must contain "several and different parts," several "orders or offices of men" whose task it is to practice or provide the various things needed to make the sufficient life possible. Of such parts, he notes, Aristotle identified six, three of them—the judicial, the military, and the priesthood—usually being known as "the notables"; three others, attending to the agricultural, manufacturing, and financial functions, usually known as "plebeian" (*vulgaris*—in effect the population at large as opposed to the notables).[84] But in order to maintain the proper proportion among those parts (to avoid, for example, some abnormal enlargement in the role of the military or of the priesthood) and to manage the ever-present threat to peace and tranquility caused in general by the transitive acts of men, a further part is called for. This is "the ruling part" or "prince" (*pars principans*), which is, by analogy, the very heart of the *civitas,* and whose task it is to regulate "all civil acts," to function as "the efficient and preservative cause of all . . . civil benefits," and to "regulate what is just and beneficial in a community."[85]

Faithful to his somewhat "generic" approach to politics, Marsiglio

professes in the end no more interest in specific constitutional forms than he does in notions of universal monarchy.[86] Responsive to the republican or quasi-republican institutional arrangements characteristic of the north Italian city-states he may well have been, but he did not rule out monarchy, and before indicating a clear preference for elective rather than hereditary kingship, he devotes considerable space to examining the pros and cons of the hereditary principle.[87] His driving concern, however, being that of defending the peace and preserving the fragile measure of tranquility in the absence of which sufficiency of life would be unattainable, the focus of his attention when it came to the *pars principans* was not on constitutional forms. It was, rather, more fundamental in nature than that. It concerned the *unity* of the executive power, reflecting the conviction that in any political community there could be only one such power. Even if, numerically speaking, it involved more than one person, as an office it had to function with a moral unity and be shared with no other part of the city.[88] He was centrally concerned also with the need for that executive power to possess a secure monopoly within the political community of the exercise of coercive force. Just as within that community there could be only one law buttressed by this-worldly penalties and regulating civil acts, so, too, could there be but one executive power, bound by that law and charged with the task of coercing obedience to it.[89] Finally, his concern extended also to the efficient cause of that executive power, prince, ruling part, and he located it firmly in the human legislator, in the will of the corporate body of citizens or its prevailing part. His firmness on this issue was such, in fact, that even where the human legislator had delegated the legislative function to the prince or *pars principans,* it was not *as prince* that the latter discharged that function, nor did the former transfer in its entirety what we would call sovereignty. Instead, it retained the authority to correct or even replace that *pars principans* should it abuse its power or betray its responsibility.[90]

The advocacy of such positions by Marsiglio naturally stimulates one to pose two further questions. First, given the regulative superiority of the *pars principans* over every other part of the city or political community, and given its monopoly of coercive force, does that not imply that the part of the city described as the priesthood is stripped of the (coercive) power that the canonists labeled “the power of jurisdiction in the external or public forum”? Second, given the sweeping and highly articulated nature of his emphasis on the role of popular consent,[91] must not some more foundational principle lie behind it? To the first of these questions the answer lies unambiguously with the affirmative. The issue is a crucial one for Marsiglio’s whole theoretical and polemical project, and we will be

returning to address it in the next chapter where we will be in a position to bring to bear on it the more thoroughgoing analysis he pursues in the lengthy Second Discourse of the *Defensor pacis.* To the second question, alas, no comparably definitive or even satisfactory answer can be returned. Beyond a tantalizing series of hints on the matter he simply does not give us enough to go on—without placing, at least, too much pressure on the text.

When arguing that the whole body of citizens must be the legislative source of law, Marsiglio tends to explain that only in this way can we be sure that the laws will be for the common good. But he also introduces a different, independent, and potentially incompatible criterion when he shifts the emphasis from final to efficient causality and makes the case that "any citizen will better observe a law that he seems to have imposed upon himself." Citing Aristotle to the effect that "the city is a community of free men," he insists that however good a law may be, if it is passed by the few and imposed on the many, then the latter cannot be free but subjected to despotism—"the servile dominion" of others. Whereas even if a law passed by the consent of the people was not as good ("less useful"), it would still be more readily accepted because each could "be seen to have laid it upon himself" and therefore to have remained "free."[92] When ascribing freedom to the citizens of the city Aristotle had viewed that freedom as residing in the end or final cause, in the fact that they were governed in accord with the common good. But when Marsiglio did so, he understood that freedom in a very different way as residing in the efficient cause, in the self-government of those citizens. In effect, he appears to have regarded self-legislation as lying at the very heart of freedom. And that would imply, in turn, that for him political freedom enjoys the status of "an absolute, non-utilitarian value."[93] That implication, however, he nowhere spells out. He provides us, in fact, with no theory or developed line of argument on this crucial matter. We are left, accordingly and somewhat forlornly, to make what we will of the few tantalizing hints he has chosen to give us.

William of Ockham

If Marsiglio is clear, forthright, and emphatic on the centrality of consent to his political vision but parsimonious and unsatisfactory in what he has to say on its articulation or affiliation with the freedom of the citizen, almost the reverse is true of Ockham. The latter's polemical or publicistic writings contain no fully elaborated political theory and place in the way of the would-be interpreter all the baffling obstacles to which we alluded in an earlier chapter.[94] His

theoretical signal, however, comes through loud and clear on the matter of human freedom (for him, obviously, a core value), but in a much less satisfactory and static-ridden fashion when it comes to the role played in his thinking about secular politics by the consent of the governed. These two issues we will take up in turn.

Pertinent to the insistent emphasis on human freedom that runs like a leitmotif through Ockham's polemical writings[95] are two issues on which we dwelt briefly in the second volume of this series, while discussing the twelfth-century encounter with Christian antiquity and with the Roman legal inheritance. The first was the flowering of the new monastic spirituality that was to be borne far and wide by the Cistercians and later embraced by Ockham's own Franciscan order. In that spirituality the emphasis came to be placed on individual will, intention, and personal repentance, "on spiritual liberty, inwardness or interiority, and the search for a life modeled on the Gospels and specifically on the human life of Christ."[96] While this searching exploration of the internal frontiers of the soul did not lead to any immediate expression of the sort of specifically *political* individualism that was later to find its way into the very heart of European political thinking, it was part and parcel of a much broader set of phenomena that has led some scholars to talk even of a twelfth-century "discovery of the individual" and that clearly contributed over the long haul to the explicit early modern preoccupation with *political* individualism. The second issue is somewhat more concrete in nature. It involves the claim advanced by several historians to the effect that the juristic culture of the twelfth century constituted the seedbed that nurtured the notion of the natural, subjective rights of individuals which was destined to blossom in the thinking of the early modern political philosophers.

It was one of Ockham's significant contributions, preoccupied as he was with the freedom of the individual, to have brought those two strands of thinking together—the biblical (patristic) teaching on evangelical liberty and the legal (Decretist) focus on the natural (subjective) rights of the individual. In so doing, he was not altogether original. The same linkage, it turns out, is to be found in the glosses written by some of the late twelfth-century commentators on Gratian's *Decretum.* For they had associated *jus naturale* (in the sense of subjective natural right) with St. Paul's claim in 1 Corinthians 6:12 to the effect that "all things are licit for me," thereby broadening "the apostolic teaching on Christian exemption from Jewish ceremonial precepts into a more generalized doctrine of natural liberties."[97] But Ockham's appropriation of that way of thinking was a good deal more than passive; he "carried the argument further by relating the concepts of natural rights and gospel freedom in a [creative] way that

set limits to the God-given power of a supreme pontiff."[98]

If that was true of the pope, incumbent as he was of a divinely instituted office, it had, almost necessarily, to be true also of the temporal ruler, who was in Ockham's understanding a more or less desacralized figure serving a political purpose conceived in notably limited and predominantly negative terms. "The law," he said in a particularly trenchant passage in the *Octo quaestiones,* "is established, not for good, but for correcting and punishing the bad," and rulership

> seems to have been appointed most principally to correct and punish wrongdoers. For, if in some community, no one had to be punished for any fault or crime, an adviser to good and a teacher would be enough, and a ruler would seem altogether unnecessary.[99]

Perhaps because of the very modest nature of his expectations for secular government, Ockham has next to nothing to say about the dependence of political legitimacy upon any sort of continuing participation by subjects or citizens in government, or about the role that the representative institutions which had grown up right across Western Europe (and made possible a measure of such participation even in large territorial kingdoms) might play in the limitation of royal or imperial power. Indeed, his interest in political structures in general appears to have been minimal and to have been qualified by the marked sense of contingency and the responsiveness to the demanding particularities of shifting circumstance that informs his political thinking.[100] His contribution to the constitutionalist tradition lay, instead, in the bedrock nature of his commitment to human freedom, to the notion of subjective rights inherent in all people, and to the largely unprecedented belief that those rights endured after government had been instituted, thereby constituting an entirely practical limit (property rights were involved) to any ruler's power.[101]

"One could make a good case," Tierney has said, "for regarding . . . [Ockham's] *Breviloquium* as the first essentially rights-based treatise on political theory."[102] In that work (*A Short Treatise on Tyranny*), the tyranny that Ockham attacked as "opposed to the rights and liberties given . . . by God and nature" was, of course, what he saw to be the papal tyranny.[103] But the argument from natural rights had a broader resonance. It extended beyond matters ecclesiological and involved, in fact, the clear commitment to the notion of consent as a legitimating force that his failure to discuss any ongoing citizen participation in government had seemed to preclude, or, at least, to sideline. For one fundamental natural right on which he was notably insistent was that bestowed by "God and nature" on "all mortals born free and not subject to anyone else by human law . . . voluntarily to set a ruler over themselves, just as each people and each city 'can establish a law for

itself.'" When, in the *Breviloquium,* Ockham said that, he was discussing the possibility of the people's "voluntarily subjecting themselves to the [pagan] Romans" through their "free and willing consent."[104] The same topic he addressed also, and in highly significant fashion, in the second tract of the third part of his massive *Dialogus* and in the context of a protracted discussion concerning the reach of Roman imperial power.

The degree of significance attaching to that discussion stems from the fact that in its course he is led not only to reaffirm the right of a people to choose its ruler but, further, to ground that right firmly in the dictates of the natural law itself, to which right reason was the guide. For Ockham's argument in the *Dialogus* for the right of any community to choose its ruler was indeed grounded in such a natural law discernible by reason.[105] Thus, in the course of the Master-Student dialogue, pondering the question as to whether the Romans have the right to elect the pope "by divine law, extending 'divine law' to include all natural law," the Master classifies natural law as falling into three modes and argues that in accordance with the third mode—*jus naturale ex suppositione*—the Romans do indeed have the right to elect the pope.[106]

Two things should be noted about this claim. First, what exactly it was that he meant by natural law in the third mode—that is, "suppositional natural right." His own definition of it is that "which is gathered by evident reasoning from the law of nature or another [law] or from some act, divine or human, unless the contrary is enacted with the consent of those concerned."[107] Not all that clear a definition it may be, and the *Student* does, indeed, seem to be a bit puzzled by it. But the Master is clear enough by way of response. "Supposing," he says, "that someone is to be set over certain persons as prelate, ruler or rector, it is inferred *by evident reason* that, unless the contrary is decided by the person or persons concerned, those whom he is to be set over have the right to elect the one to be set over them, so that no one should be given to them against their will."[108] Second, when arguing in support of that proposition, Ockham makes it clear that it is a proposition that pertains to *all* rulers, secular no less than ecclesiastical. For he goes on to lay down the more basic principle that "no one should be set over the whole body of mortals [i.e., the inhabitants of the Roman empire] except by their election and consent." And, in so doing, appealing to the axiom of Roman private law that played so prominent a role in medieval appeals to consent—*Quod omnes tangit ab omnibus approbetur* (What touches all by all should be approved)—he stipulates that "what affects all should be dealt with by all; for someone to be set over all affects all, therefore it should be dealt with by all."[109]

Ockham was, then, at least when it came to the institution of rulers, an unambiguous defender of the centrality of consent. And what was distinctive about his position was the firmness with which he grounded that universal right to consent in the dictates of the natural law. But that duly acknowledged, one has still to concur in the judgment that "his doctrine of consent was [in general] far less developed than that of some of his contemporaries," Marsiglio of Padua, of course, prominent among them. Similarly, that it would be "misleading to combine Ockham with Marsilius as an exponent of popular sovereignty."[110]

Nicholas of Cusa and Wessel Gansfort

Fourteenth-century affirmations of the role of consent in the sphere of temporal or secular politics were, then, somewhat uneven in nature and disproportionately responsive to the exceptional political conditions that prevailed (or had once prevailed) in the city-states of northern Italy. The fifteenth century saw no decisive advance beyond that point, though it would be proper to acknowledge the distinctive contributions made by two exceptional figures from northern Europe. The first of those is Nicholas of Cusa (1401–64), at the same time ecclesiastical statesman and luminous, multiply-celebrated polymath; the second is John Wesel or Wessel Gansfort (c. 1419–89), an essentially provincial figure who, in the nineteenth century, enjoyed his fifteen minutes of fame by being hailed, albeit misleadingly and anachronistically so, as one of a providential series of "Reformers before the Reformation." We will take them up in turn.[111]

It was service to a noble contender for the archbishopric of Trier that first brought Nicholas in 1432 to the general council assembled at Basel. But while he was a canon lawyer by formal training, he had received further education in philosophy and theology, and by the time he came in 1433 to write his ecclesiological masterwork, *De concordantia catholica* (*The Catholic Concordance*), he had long since begun to connect in fruitful ways with humanist circles at Rome. From a practicing lawyer of great promise (he was twice offered but twice declined a professorship in canon law at the University of Louvain) he matured across the years into a diplomat, leading ecclesiastical statesman, energetic if disappointed church reformer, and, above all, stellar intellectual possessed of a very broad and ecumenical intellectual reach and, it seems, of an irenic temperament.

He wrote his best-known and most profound work, *De docta ignorantia* (*On Learned Ignorance*), in 1439, but it is on his earlier *De concordantia catholica,* presented at the Council of Basel in 1433, that

we must focus here, especially on book 3 and chapters 8 to 15 of book 2 where he discusses the reform of the Holy Roman Empire and addresses the legitimating role of consent. Taken as a whole, the work is an extraordinary achievement, but beneath the soothing, mellow patina of concord and harmony, it still harbors a considerable measure of tension among an array of ideas placed cheek by jowl but sometimes ultimately incompatible in nature.

The appeal to the consent of the governed runs like a leitmotif through what Cusa has to say about empire and church alike, but it is woven into an intricate argumentative fabric composed also of strands of thought that are very different in both nature and provenance. Thus while he insists that papal "anointment and coronation in no way add to imperial authority," which stems immediately from election by the imperial electors, those ceremonies do serve to symbolize "the Sacred majesty that is inherent in the emperor" and as signs of the reverence with which his power is to be regarded. For, once elected, he becomes "the minister of God" and "the vicar of Jesus Christ on earth," the Christ who was "the King of Kings and Lord of Lords." There is then a flickering of re-sacralization evident in Cusa's vision of the emperor and, indeed, of his understanding of the royal status at large. "All rulership is sacred and spiritual," he says, and comes from God "as well as from man."[112] "Just as Christ is king of kings so all kings have something of the divine in their governing power and are, accordingly, worthy of reverence and obedience."[113] And, at a more profound and destabilizing level, he sets out blithely to combine his affirmation of the legitimating role of consent with hierarchical notions grounded in the assumption of the natural superiority of the wise or rational elite. If the former affirmation reflects attitudes and notions embedded in the civil and canon law, and in the long tradition of discourse about natural law, the latter assumption reflects, instead, the Platonic or Neoplatonic frequencies to which Cusa so clearly resonated, especially in his metaphysical and theological writings but also, in some measure, in the *De concordantia catholica* itself.[114]

That work both begins and ends with a Pseudo-Dionysian evocation of the hierarchical ordering of the universe and of the church, with every rank and office, celestial and angelic as well as ecclesiastical, finding its appointed and objective place in the chain of being, descending hierarchically from the "superessential darkness" of the divine One all the way down to the sublunary Many composed of patriarchs and metropolitans, priests and deacons, and so on. He drew such ideas from the sixth-century Syrian writer Pseudo-Dionysius (whom medievals viewed as the Dionysius the Areopagite mentioned in the Acts of the Apostles and venerated accordingly)[115] and indirectly via the teachings of the Spanish Franciscan Raymond Lull

(1235–1315) and of Heimericus de Campo (1395–1460) under whom Cusa had studied at Cologne. He was moved, therefore, to incorporate into his political thinking "the hierarchies of Dionysius" and to use them to "form the model for the political and ecclesiastical structures which he proposes."[116]

This hierarchical pattern of thinking is dominant in the first book of the *De concordantia catholica* but recedes as the book wears on, and is more or less marginalized by the time Cusa comes to discuss the empire in book 3.[117] It carries with it the vision of a universe possessed of a harmonious and divinely ordained objective order, with the authority of rulers (to which superiority and wisdom attached) stemming from their God-given place in that order. Cusa, it seems, was never quite able to relinquish the optimistic and providentialist hope for the achievement of a spontaneously concordant whole.

> For a diversity of ranks between rulers and subjects has been commanded for the good of the commonwealth so that when the lower ranks show reverence for their superiors and superiors show love for their subordinates, a true concordance may be created out of diversity, and proper administration may result.[118]

But as the context for that very statement reveals, by that point in the second book of the work Cusa, now postured as the lawyer rather than the philosopher-theologian, had long since introduced into the rich fabric of his argumentation a strand of thinking that stands out (at least to the modern eye) as clashing with the coloration characteristic of the hitherto dominant hierarchical pattern.

The strand of thinking in question concerns the notion of consent. The most celebrated and most often cited formulation is to be found in the fourteenth chapter of book 2 where Cusa is speaking of the establishment not simply of ecclesiastical rulers but of rulers in general. The fundamental theoretical claim he advances is a sweeping one; it is echoed elsewhere in the *De concordantia catholica,* and in some of its dimensions it is quite novel. Here, he has just affirmed that natural law is the basis of all legislation, and that "since natural law is naturally based on reason," "the wisest and most outstanding men are chosen as rulers by the others." And they are so chosen in order "to draw up just laws by the clear reason, wisdom, and prudence given them by nature and to rule the others by these laws and to decide controversies for the maintenance of peace." From that he goes on to conclude "that those better endowed with reason are the *natural* lords and masters of the others" (italics mine), but at the same time he qualifies that conclusion in a way that is not uncharacteristic for him by insisting also they cannot so rule against the will of those whom they are called to govern. "For," and this is the crucial passage,

> since all are by nature free, every governance whether it consists in a written law or is living law in the person of a prince—by which subjects are compelled to abstain from evil deeds and their freedom directed towards the good through fear of punishment can only come from the agreement and consent of the subjects. For if by nature men are equal in power (*potentes*) and equally free, the true properly ordered authority of one common ruler who is their equal in power cannot be naturally established except by the election and choice of the others, and law is also established by consent.[119]

Three things should be noted about this fundamental statement. First, that it was not an isolated one. Cusa returns to precisely the same territory in book 3 where, grounding the right of the Roman people to elect the emperor in natural and divine law, he goes on to argue that "there is in the people a divine seed by virtue of their common equal birth and the equal natural rights of all men so that all authority—which comes from God as does man himself—is recognized as divine when it arises from the common consent of the subjects."[120] Similarly, citing Aristotle's sixfold classification of regimes into temperate and intemperate, he characterizes the former not only (as with Aristotle) by their orientation to the common good but also by the fact that they are "in accordance with the will of the subject."[121] Second, that here, as we saw earlier with Ockham, there is a clear grounding of the legitimating power of popular consent in the mandates of the natural law. Third, though the notion of the natural freedom and equality of men can be traced back to the Stoics, its use to support the institutionalizing of consent through the election of rulers and legislation by representative councils was new.[122]

Distinct novelty it may have been, but when we turn from Cusa's refreshingly bold postulation of general principles to the practicalities of institutional embodiment or application, the sharpness, clarity, and coherence of his principled stand become subject to a certain amount of erosion. Given his affirmation of the natural freedom and equality of men one might assume that his doctrine of consent would necessarily take on something of an individualist cast. That turns out, however, not to be the case. The type of consent he endorsed was not that of autonomous individuals but of corporate groupings within which the individual members were hierarchically ranked.[123] And while he invoked the principle of majority rule, he also (clearly under Marsiglian influence) deployed the term *valentior pars* or "weightier part." While he does not explicitly reproduce Marsiglio's qualification making it clear that it was weightier in terms of quality as well as quantity, the context strongly suggests that that was precisely what he had in mind, with the voices of the more illustrious to be weighted more heavily than those of their humble inferiors.[124]

When it comes to the matter of legislation, moreover, and again

following in this Marsiglio of Padua, he does cite the Romano-canonical maxim "What touches all by all should be approved" and states that "legislation ought to be adopted by all those who are to be bound by it or by a majority of their representatives because it should benefit the common good . . . and the definition of the common good only comes from the consent of all or a majority." But when he makes that case his signal has already drifted off explicitly majoritarian frequencies. For he has evoked "a certain natural instinct" in accordance with which "the rule of the wise and the subjection of the ignorant is harmonized through common laws that have the wise as their special authors, protectors, and executors and the concurrent agreement of all the others in voluntary subjection."[125] Indeed, as he comes to discuss in book 3 the practicalities of the empire's institutional life, express consent tends to shade off all too readily into *tacit* consent and representation by express delegation into *virtual* representation. It is well for the would-be interpreter to remember that, with all his emphasis on consent, Cusa was also capable of sharing with us the "happy thought that all power, whether spiritual or temporal and corporeal, is potentially in the people, though in order for the power to rule to be activated there must necessarily be the concurrence of that formative radiance from above to establish it in being since it is true that all power [i.e., properly ordered power] is from above."[126] It is well to remember, too, that consent for him involves no popular choice between differing forms of government but simply the choice between those who are to fill the governing positions in a divinely established objective order. "Consent," in effect, "is to be given to a fixed political and ecclesiastical order, which is part of the natural order of the universe designed by God."[127]

If it should be easy enough, then, to refrain from inserting into Cusa's political vision anything resembling early modern notions of autonomous individuality, there is one late medieval thinker whose intriguing formulations are such that that temptation cannot be so readily avoided. Born around 1419 at Gröningen in the Netherlands, where he came into contact later on at Zwolle with the Brothers and Sisters of the Common Life, Wessel Gansfort went on to study in the faculties of arts at Cologne, Louvain, and Paris. Having gained there a substantial reputation as a thinker of "nominalist leanings," he later returned to the Netherlands, spending the years leading up to his death in 1489 at his native Gröningen and leaving behind him a series of spiritual writings, among them the *Tractatus de dignitate et potestate ecclesiastica* (*Concerning the Ecclesiastical Dignity and Power*) with which we will concern ourselves here.[128]

It would be improper to give the impression, even by indirection, that Gansfort wrote extensively about secular political authority or

that he succeeded in bringing what he did have to say about matters political under the control of a single guiding principle. It is upon the ecclesiastical power of popes and prelates that his treatise is primarily focused, and he seems occasionally to be thinking in terms of corporate rather than individual consent. Moreover, in approaching the question of the limits of obedience to the ruling power, he occasionally does so in terms of final causality, invoking the ends that that power exists to promote. Further than that, and in keeping with his general theological stance, there is, in a sense, only one legitimating efficient cause of such a power and that is the will of no man but of God himself, upon whose overriding will depends the obligating force of all human laws, whether grounded in popular consent or in the edict of prelate or prince.[129] But with such considerations duly signaled, it still remains the case that he is clear on the fact that the views he expresses on the limits to the authority of those in power apply to *all* forms of political authority, including that of emperors and kings.[130] And he characteristically approaches the matter of the limits of obedience to those in power in terms of efficient causality and refers to the legitimating source of authority as the consent of those subject to it.

While in this he was obviously not unique, he can properly claim a moment of attention if only because of the firmness of his emphasis on "the individual conscience," on the fact that "in regard to the laws of the State . . . the judgment, assessment, and evaluation is the individual's own." For him, "political philosophy was permeated with voluntarism."[131] In this it was consistent with the extreme voluntarism that characterizes his theology at large and which leads him to emphasize the omnipresence of God's willing. All secondary causes being for him so radically dependent on the divine will, God he sees as the only cause necessary to produce an effect. Other causes are nothing more than occasions and "every secondary cause operating [in the world] is nothing other than God himself operating or a force cooperating with God's working."[132] Voluntarism being so marked a feature in Gansfort's treatment of the divine psychology and of God's operations *ad extra,* it would have been odd (man's nature being framed in the image and likeness of God)[133] had it not been a prominent feature also of his treatment of human psychology and of the means by which human beings bind themselves together in society.

Prominent feature it turns out certainly to have been, and the central interest of Gansfort's treatise as a whole lies in the extraordinary latitude he affords to the individual conscience in determining the limits of civil and ecclesiastical authority, as also in the marked degree to which he grounds that authority in the

legitimating consent of those subject to it. He takes simply for granted the traditional Christian teaching that the individual conscience may set a limit to the extent to which those in authority can oblige us to obey. That is true even if one is speaking of ecclesiastical authority. In this latter connection, he makes a point of adducing the recent example of the fathers assembled at the Council of Constance (1414–18), who followed the lead given by Jean Gerson and rejected the illegitimate claims advanced by Pope John XXIII. Undiscriminating obedience to the commands even of one's religious superiors is not to be countenanced, and he dismisses as an "impetuous move" the attempt to defend it on the spiritual grounds that it serves constructively to abnegate one's will.[134]

When it comes to the matter of the legitimate exercise of authority, indeed, Gansfort is simply unwilling to ascribe anything necessarily good to the abnegation of one's own will. Quite the contrary. In a crucial section of the treatise, he goes on to attribute to that individual will not only the negative role of setting limits to the allegiance one owes to those in authority but also a positive role in establishing and legitimating that authority, whether it be civil or ecclesiastical. In that section, addressing the issue of "how far subjects are obliged to obey their prelates and superiors" and advancing an argument that he specifies as applicable also to kings and civil magistrates, Gansfort portrays the relationship between subject and ruler as a contractual one—conditioned, that is, by the law of contracts (*lex pactorum*)—and grounded in free consent. He goes on to argue that if the ruler breaks the terms of the contract, then the (individual) subject's obligation ceases and the ruler should be deposed. "All such subjections," he says, "ought to be voluntary and spontaneous," undertaken only after deliberation. And "it is generally the nature of this obligation that subjects elect as their superior one in whom and from whom they expect most nearly to reach the reason and fruit of their deliberations."[135]

This claim is a dramatic one, and though one should not overlook the fluctuations in Gansfort's thinking alluded to earlier, it does reflect, as Ullmann pointed out, something of "an aversion from the [more traditional] objective, collectivist, corporational standpoint and the emphatic insistence on the individual-subjective conscience."[136] Gansfort lacked the consistency and clarity of vision that was in the seventeenth century to lead a Protestant sectary like John Lilburne to argue that "God, the absolute Sovereign Lord and King of all things," having endowed his creature "with a rational soul or understanding, and thereby created him after his own image," made him lord over the rest of his creatures but not "over other individuals of Mankind, no further than by free consent, or agreement by giving up their power

each to the other, for their better being."[137] But it may properly be urged that Gansfort came closer to such a point of view than did any other medieval thinker.

If we now step back a pace or two in order to reflect upon what the above rather diverse (if reasonably representative) array of late medieval consent theorists had to say about consent in relation to the secular polity two things, above all, stand out. First, the lopsided amount of attention devoted to the republican or quasi-republican forms characteristic (or once characteristic) of the city-states located in the *regnum Italicum,* forms that were far from being representative of the European political scene as a whole. Second, how very little any of these thinkers have to say about the consensual, participatory, political, and constitutional practices that the contemporaneous burgeoning of representative institutions at the national and provincial level was making possible in the large territorial kingdoms that dominated transalpine Europe, the Spanish peninsula, and southern Italy. Scholastic thinkers for whom Aristotle and Cicero were the primary theoreticians pertinent to political life, as well as jurists grounded in the Roman public law, clearly found the already declining institutions and practices characteristic of the Italian city-states more amenable to theoretical penetration than the representative practices of the large kingdoms which, insofar as they reflected Roman legal thinking at all, drew creatively on private rather than public law.[138] As a result, even though they can be seen in retrospect to have carried in their bones the long-term future direction of European constitutional development, in the secular realm, at least, those parliamentary or quasi-parliamentary forms and practices, pertinent though they were to the giving and taking of consent, remained throughout the Middle Ages notably undertheorized.

There were, of course, some exceptions to this state of affairs. In a previous chapter we saw Sir John Fortescue distinguishing in mid-fifteenth century between what he called *dominium regale* and *dominium politicum* and praising the intermediate form—*dominium politicum et regale*—with which he identified English constitutional practices and in accordance with which the making of law and the levying of taxes required "the assent of the whole realm" given on its behalf by the representatives of the three estates assembled together in parliament.[139] And Fortescue was not altogether alone. Although what he had to say was not notably precise, mention should also be made of the not altogether dissimilar views advanced by Nicole Oresme (d. 1382) who, at the king's command, translated Aristotle's *Politics* into French. He also appended to the text a gloss that was somewhat longer than the *Politics* itself and that betrays, among other

things, a measure of Marsiglian influence as well as a willingness to find a place in his thinking for the participatory role of representative estates. On the latter point, I cannot dwell here, beyond noting that when seeking to illustrate that role, Nicole reaches more than once by way of analogy to the role played by councils in the church.[140] It is to that role and the place that consent came to play in the governance of the *politia ecclesiastica* that we must now turn. And, as we do so, we should be conscious of the fact that, far from deviating from the mainstream of political thought,[141] we will be attempting to come to terms with what was unquestionably a crucial phase in the burgeoning politics of consent at large.[142]

7. The Politics of Consent (ii)

politia ecclesiastica

IN THE COURSE of his polemical exchanges with the Venetian theologian Paolo Sarpi during the Venetian Interdict of 1606, and following in this the line of argument pioneered by Thomas de Vio, Cardinal Cajetan, a century earlier, Robert Cardinal Bellarmine, it will be recalled,[1] delivered himself of the dogmatic claim that "the Holy Church is not like the Republic of Venice" where the republic "can be said to be . . . above the prince . . . . Nor is it like a worldly kingdom," where the power of the monarch is derived from the people. Instead, it is "a most perfect kingdom and an absolute monarchy, which depends not on the people . . . but on the divine will alone."[2] This was a claim that was destined, in subsequent centuries, to become something of a cliché among conservative Catholic theologians whenever aspirations surfaced among clergy or laity for a greater participatory role in matters pertaining to the governance of the universal church. Even in the modern era, however, not all those of conservative leanings were to share that point of view. Early in the nineteenth century, for example, Joseph de Maistre, the conservative theorist once described engagingly as "literary colonel of the papal Zouaves," argued that the truths of theology being nothing other than "general truths manifested and divinized in the religious sphere," what is true of any conceivable political society has to be true also of the church universal. So that "ecumenical councils, are they not ecclesiastical estates-general, and estates-general, are they not civil ecumenical councils?"[3] By his time, and for seven hundred years and more preceding, arguments based on secular political analogies, or arguments simply taking for granted something of a constitutional overlap between political and ecclesiastical modes of government, had served as a mainstay of ecclesiological discourse, whether high papalist or constitutionalist. Nor had the movement of ideas and traffic in analogies been unidirectional but, rather, reciprocal. Accordingly, those interested in the history of political thought need to be alert to the fact that ideas originating in the seemingly alien intricacies of ecclesiological discourse may well have had a shaping

impact on ways of thinking about the secular polity. It has long been customary to recognize that fact when it comes to the ideology of absolute monarchy and to the notion of sovereignty itself.[4] But its pertinence must also be acknowledged to the emerging tradition of constitutionalism in the West, as also to the process whereby the practices of representation and consent in the European kingdoms came gradually to be theorized. In the conciliarist thinking that came to the fore after the onset in 1378 of the Great Schism of the West and that flourished during the era dominated by the Councils of Pisa (1409), Constance (1414–18), Basel (1431–49) as well as by the so-called *conciliabulum* of Pisa (1511–12), that process of theorizing consent underwent the crucial quickening that had eluded it among thinkers who had focused their attention more exclusively upon the secular polity. As John Neville Figgis put it long ago, and in a classic formulation, the conciliarists "raised the constitutionalism of the past three centuries to a higher power, expressed it in a more universal form, and justified it on the grounds of reason, policy and scripture."[5] It is to those conciliar theorists, then, that we must devote the bulk of our attention in this chapter.

In so doing, however, if we are to avoid the fog of confusion that over the centuries has come to enshroud the nature and history of conciliarism or conciliar theory (I will use those terms interchangeably), we would do well, first, to address the ecclesiologies of Marsiglio of Padua and William of Ockham and come to some sort of conclusion about how they stand in relation to the main body of conciliar theorizing as it came to crystallize in the wake of the disastrous outbreak of schism in 1378. The fact that both men predated the schism does not resolve the issue in favor of their segregation from that body of theory; so, too, after all, did John of Paris, and yet, as we will see, it is still proper to classify him as something of a conciliarist *avant la lettre*.

Ever since the mid-fifteenth century, moreover, when Juan de Torquemada, the papal apologist, cast them in that role,[6] subsequent commentators—critics, sympathizers, and more dispassionate analysts alike—have frequently been prone (taking his claim at face value) to viewing Marsiglio and Ockham as leading adherents to the conciliarist point of view and even as the very source of much that was characteristic of conciliarist thinking at large. On the face of it, this was not an improbable assumption. Nicholas of Cusa unquestionably drew on the *Defensor pacis* to help frame his own politics of consent,[7] and the impact of Marsiglian ideas on Dietrich of Niem, curial official and conciliarist writing in 1410, is also unmistakably evident.[8] For centuries, a similar degree of Marsiglian dependence was attributed to the great Constance conciliarist Jean Gerson (1363–1429) himself.

And as recently as the 1980s, the same was still being said to be true of such sixteenth-century English advocates of conciliarist views as Christopher St. German and Thomas Starkey.[9] So far as Ockham is concerned, moreover, the impact of his ecclesiological thinking on the ideas of such early conciliarists as Conrad of Gelnhausen and Henry of Langenstein has long been attested,[10] as also on those of Pierre d'Ailly (1350–1420), who early in his career had gone to the trouble of drawing up in his *Abbreviatio dialogi Okam* a useful précis of the most pertinent sections of Ockham's *Dialogus*.[11]

All of this, however, has had the effect of adding to the difficulties historians have had to contend with in their attempts to come to terms with the complexities of conciliar thinking. It has induced some, in their anxious attempts to rescue cosmos from chaos and to impose the clarity of order where confusion could so easily reign, to promote the cause of understanding by distinguishing between "extreme" or radical (e.g., Marsiglian) and "moderate" later versions of conciliarist viewpoint, attempting the while, via an exercise in legislative definition, to reserve for the former the term "conciliarist" while advocating the use of the term "conciliar" to denote the latter.[12] Others, while continuing admittedly to speak about "conciliarism" and "conciliar theory," have fretted about the very propriety of so doing. Thus, overtaken it would seem by a strain of what has been dubbed as "epistemological hypochondria," Brandmüller has thrown up his hands and argued that "there were almost as many conciliarisms as there were contemporary authors writing on the matter," and Fasolt has firmly proclaimed that "there can be no history of conciliar theory . . . because no such thing as conciliar theory was ever a historical reality."[13]

On all of this, however overheated it may be,[14] we will be called upon to take a stand later on in this chapter. In the meantime, however, we would do well, first, to attempt to dispel some of the additional interpretative confusion caused by the traditional inclusion of Marsiglio and Ockham among the ranks of the conciliarists. The more so in that a closer scrutiny of the alleged Marsiglian and Ockhamist influence has called into question the essentially polemical claims advanced at the start by Torquemada, anxious as he was to market the high papalist point that what the conciliar theorists were really involved in was an attempt to foist upon the church an unorthodox ecclesiology of revolutionary vintage. Thus there is no evidence at all to support the suggestion that St. German and Starkey were responding to Marsiglian rather than Gersonian promptings. Gerson himself, moreover, in this like Jacques Almain later on, had taken explicit exception to Marsiglio's views.[15] That it was for long common to link Gerson with Marsiglio turns out to reflect the fact that

in the late-seventeenth century Hermann von der Hardt had incorrectly attributed to him the *De modis uniendi et reformandi ecclesiam in concilio universali,* a work written (as Johannes Schwab was to establish in 1860) by Dietrich of Niem, who had, indeed, borrowed some of his ideas from Marsiglio.[16] Signs of Marsiglian influence in general are not much in evidence at all among conciliarists during the years I have labeled as the classical and silver ages stretching from the outbreak of the schism in 1378 to the *conciliabulum* of Pisa in 1511–12. If Dietrich of Niem and Nicholas of Cusa did draw some fragmentary material from the *Defensor pacis,* their borrowings were highly selective and piecemeal.[17] Of borrowings from Ockham, it is true, there are many more, and they extend in the case of Pierre d'Ailly to outright verbatim copyings. But they, too, are piecemeal in nature. If they reflect the willingness of conciliarists later on to cash in on Ockham's freewheeling critique of the traditional, high papalist ecclesiology, they reflect also, and as we shall see, their own blindness to the equally destructive effect of that critique when turned upon the conciliarist ecclesiology they themselves wished to promote.

Before trying to make sense, then, of the veritable ocean of conciliarist literature stretching from John of Paris at the start of the fourteenth century to people like St. German and Starkey in the first half of the sixteenth, we need to address the highly distinctive ecclesiologies hammered out earlier on by Marsiglio and Ockham and the degree to which they contributed to the growing theorization of notions of representation and consent.

Marsiglio of Padua and William of Ockham Yet Again

If, in the modern era, it is the First, more philosophical, Discourse of the *Defensor pacis* that has been (sometimes in quite misleading degree) the focus of interest, in Marsiglio's own day it was overwhelmingly the Second Discourse that caught the startled attention of contemporaries and set into unusually rapid motion the cumbersome machinery of official ecclesiastical condemnation. In that Second Discourse he based himself (he said) not on "methods discovered by human ingenuity" but on "testimonies of the truth founded upon eternity [i.e., the Scriptures], "as also upon "authoritative passages of the saints, its interpreters, and other appropriate doctors of the Christian faith."[18] If in the First Discourse he had sketched in the outlines, at least, of his ecclesiological commitments, in the second—fully three times as long—he sets out

these commitments at greater length and with a somewhat burdensome degree of anxiously repetitive detail. Like the Aegidius Romanus of the *De ecclesiastica potestate* before him, he is not unaware of the latter feature of his mode of exposition, and he justifies it in comparably condescending fashion by referring to "the slowness of those who are less well-versed in such things."[19] His argumentative line of march, then, is a highly deliberate one, involving a thoroughgoing canvassing of the pertinent scriptural (overwhelmingly New Testament) texts, frequent references to its "interpreters [and] other approved doctors of the Christian faith" (such as Ivo of Chartres and Bernard of Clairvaux), and a considerable degree of reliance in his reconstruction of church history on such pro-papalist works as the *Pseudo-Isidorean Decretals* and the *Chronicon pontificum et imperatorum* of the thirteenth-century author Martinus Polanus.[20] All of which learning he deploys in an effort to "corroborate" via an appeal to religious authority and the providential ordering of history, the conclusions he believed himself to have already grounded in "self-evident" rational argumentation in the First Discourse.[21]

In that discourse, it will be recalled, drawing on Aristotle's identification in the fifth book of the *Politics* of the potential causes of the sort of "discord and strife" that can constitute the greatest threat to the "peace and tranquility" of civil societies. Marsiglio had focused upon several things. First, upon the threats posed by a lack of balance among the various parts of the polity (an exaggerated tilt, for example, toward the military or the priesthood); second, upon the lack of a regulative law and of an executive ruling part or principate to maintain that balance and to control, correct, and moderate the destabilizing excesses that so often characterize the overt external acts of men; third, where such regulative legal and executive instrumentalities do exist, upon the fatal failure to reduce them from plurality to unity and to prevent the confusion and strife to which incompatible legal standards and competing executive agencies inevitably give rise. Unless such threats to the peace and tranquility of a polity are eliminated, the sufficiency of life which constitutes its end must necessarily prove elusive. And the key to eliminating them, he argues, lies in the existence of a single, supreme human law and of a single, supreme principate or executive agency equipped with the coercive force in the absence of which law can be no more than prudent regulation. That law, that principate, and that coercive force —all of them—stem from the will of the "human legislator," ultimately, that is to say, from the will and consent of "the universal body of citizens or its prevailing part." To that single human law and that single overarching principate all parts of the polity (city,

kingdom, or empire) must unquestionably be subjected.

All parts of the polity—and for Aristotle that had included the part constituted by the priesthood. But what if the priesthood in question was something other than the merely civic priesthood serving an essentially public religion with which Aristotle was familiar? What if the religion in question was not what we are tempted to regard as merely instrumental to the needs of the polis but what Christians believe to be the "true religion," divinely revealed in the Scriptures, with the priesthood in question being the divinely instituted priesthood whose mission it was to proclaim the "good news" of that true religion and to nourish its growth among the faithful? In the First Discourse Marsiglio had refrained from exempting that Christian priesthood from the consequences of his insistence that it was the principate or ruling part in any polity that enjoyed a monopoly on the deployment of coercive power. How could he have done otherwise given the fact that right at the start of the *Defensor pacis* he had identified as the "singular cause of strife" that threatened the well-being of all Christian realms nothing other than the singular lust for power, even temporal power, exhibited over the centuries by the Christian priesthood under the aggressive leadership of its regal papal head.[22] Recognizing, however, if somewhat ruefully, that his position on this matter was, to say the least, "unfashionable" (*desuetus*),[23] he recognized also the need to vindicate his stand not simply with arguments grounded in human reasoning but also, and rather, with others firmly rooted in scriptural soil and in the testimony of those revered and saintly Christian authors which had come, over the centuries, to be accorded authoritative status. This, then, is the task to which he addresses himself at such length in the Second Discourse of his great work. There—rearranging his arguments somewhat in the interest of more transparent, sequential exposition—he may be said to have addressed himself, successively, to five principal issues.

First, to the sheer novelty, historically speaking, of the "singular cause" of civil strife that is the focus of his entire work, something which stands outside the bounds of any "generic" politics that reaches out to comprehend pagan as well as Christian polities, something, moreover, of which the pagan Aristotle knew nothing, for it was embedded centrally in the overarching Christian narrative of Creation, Fall, Incarnation, and Redemption. Nothing other, in fact, than what he refers to rather obliquely as "a miraculous effect produced by the supreme cause long after the time of Aristotle." It was an effect that lay "beyond the possibilities of inferior nature and the usual action of causes in things,"[24] namely, that ineffable impulse of divine generosity whereby the only begotten Son of God, the divine Word, became flesh and dwelt among us, suffering and dying for our sins and redeeming

the fallen human race.

Second, in the absence of that ineffable moment of divine condescension, a decisive supernatural intervention in the course of human history, the overweening claims of the Roman bishops both to a primacy of authority over the other bishops as well as the priesthood at large and to a plenitude of power or "supreme coercive jurisdiction over all men and all provinces"[25]—in effect, the whole complex edifice of priestly pretension would have been utterly inconceivable. To that great edifice, its ideological foundations, the soaring nature of the pinnacle to which it attained, the gradual and painstaking nature of its construction, the fatal flaws in its sustaining architectonic framework, and its disastrously destabilizing impact on the *regnum Italicum* and, beyond that, on the peace, tranquility, and well-being of all Christian polities—to all of this Marsiglio returned again and again in the Second Discourse. To it he devoted maybe as much as a half of that discourse, concluding with a lengthy and sustained attempt to crush beneath the overwhelming weight of his counterattack any conceivable objection the papalists might be able to raise to the force and sweep of his argument.[26]

Into all of this it would be redundant to go, at least in any extended fashion. In the earlier volumes of this series and in the opening chapter of the present volume, we have had occasion to dwell at some length on the sustained effort pursued across the centuries preceding by high papalist publicists, canon lawyers, and theologians to erect that whole imposing structure of papal pretension culminating in the developed and highly articulated treatises of such leading hierocrats as James of Viterbo, Aegidius Romanus, and Augustinus Triumphus. Suffice it to say, then, that Marsiglio drew from his own extended analytic effort on the matter the sobering conclusion that, intent upon "unjustly seizing and keeping possession of temporal goods," and moved by "their burning desire . . . for a principate which is not their due," the bishops of Rome had laid claim "by right" to a "supreme coercive jurisdiction or principate" not only "over priests or bishops and deacons, their colleges and individual persons, of whatever condition they may be" but also "over the prince of the Romans as over all other principates, communities, collective bodies and individual persons, even secular." By laying claim to a "universal title" and "the plenitude of power," they had aimed at taking over "the coercive jurisdiction of all realms." Energized by a "malignant spirit" and a "smouldering envy," they had even proved willing, in their effort to reach that goal, to "void" or put aside "the commandments of God." Basing themselves instead on the "human Decretals," they had arrogated to themselves "the power and dominion [*dominium*] of temporal things—and not just ecclesiastical,

but imperial and temporal as well," by so doing canceling out "almost entirely . . . the jurisdiction of those who hold secular principate."[27]

Third, while Marsiglio is totally clear on the point that "the miraculous event" of the Incarnation was the *necessary condition* for such deplorable developments, he was also at pains to insist that it was far from being the *precipitating cause.* That lay elsewhere, in the insensate greed and lust for power of sinful men, despite their adherence to the Gospel that Christ had revealed. So what he was called upon now to demonstrate was that that miraculous event "was not *necessarily* the source of all political evils" and that, "on the contrary, it should [properly] be a support for the well-functioning polity."[28] And that demonstration he begins with a painstaking scrutiny of the pertinent testimony embedded in the New Testament itself.

It is "evident," he says, that the plenitude of power being spoken of "does not belong to the Roman bishop or any other priest." How could it, indeed, for it belongs only to God (or Christ as God)?[29] For Christ as man had laid no claim to it for himself, either as regards this-worldly possession or as regards the wielding of any coercive power or principate. And what he denied to himself he denied also to the apostles and disciples as well as to those who would succeed them. By his own example he showed them that they were to do likewise and taught them that, in common with their non-priestly fellow men, they were to be "subject in goods and person to the coercive judgment of the princes of this world."[30]

Among those apostolic exclusions (or abnegations) several things may be distinguished: the rejection of any worldly principate or power of a coercive nature; the abnegation among themselves of any individual proprietary right; the absence from their own apostolic ranks of any divinely established rank, pre-eminence, or priority. Thus taking them up in turn, Marsiglio underlined again and again the fact that Christ had affirmed his kingdom to be one that was not of this world. In the fourth chapter of the Second Discourse he sets out "to show that Christ in his proposed intention, works and actions wanted and did exclude himself and the apostles from the office of prince or of contentious jurisdiction, government or coercive judgment of whatever sort in this world."[31] And "from the gospel truths . . . and from the interpretations of the saints and other approved doctors" he concluded that that was indeed the case and, further, that "it was his [Christ's] will that he [himself] should be subject to the princes and powers of this world in coercive jurisdiction."[32] That duly established, he went on to insist (thereby embracing the Franciscan doctrine of apostolic poverty and accordingly consigning John XXII and his "insane heresy" to the outer darkness of heterodoxy) that "Christ, on

his way through the world, observed the supreme type or mode of meritorious poverty," at the same time having "things licitly in common" with his disciples. Similarly, he insisted that after his resurrection, the apostles continued to hold "things in common between themselves and other poor people, while observing supreme poverty."[33] Finally, he concluded that even among the apostles themselves no one had any preeminence over the others whether in priestly dignity or in anything jurisdictional in nature. That was true even of St. Peter, whom some of the saints (using the term "in broad and improper sense") described as the "prince of the apostles." For Peter "observed equality" with the rest of the apostles "in accordance with Christ's command." For he had from God no power, still less "any coercive jurisdiction" over them, or even, for that matter, "any power of instituting them in the priestly office or of dividing them up or sending them upon the office of preaching."[34] If questions arose among them about matters of doctrine, community consent came into play; "it was a gathering of the learned faithful . . . which deliberated [and] decided the question." "That which was decided and mandated in this way was valid on this authority. For a gathering of the apostles was of greater authority than Peter or any other of the apostles alone."[35]

All of that said, and in the fourth place, the apostolic example having been so firmly set and so clearly warranted in the Scriptures, the same subordination to the coercive jurisdiction of the secular prince, the same commitment to meritorious poverty and to the equality and lack of individual preeminence among their ranks should be true also of their priestly successors down through the ages. And that is, indeed, the position that Marsiglio clearly affirms. By so doing he undercuts the hallowed claim that the hierarchical structure of the church and the monarchical preeminence of the pope were of divine institution. Instead, he portrays them as nothing more than a human organizational contrivance, grounded either directly or at one or other remove in the will and consent of the faithful.

For him, much of this presupposes and finds expression in the specific way in which he defines the essential nature and authority of the Christian priesthood. Although he himself does not specifically refer to it, it may be helpful yet once more to call to mind the standard canonistic distinction between the "power of order" (*potestas ordinis*) and "power of jurisdiction" (*potestas jurisdictionis*), as well as the further canonistic discrimination between two very different modalities of the power of jurisdiction. The *potestas ordinis,* it will be recalled, referred to the sacramental power which priests and bishops possess by virtue of having received the sacrament of holy orders, and the *potestas jurisdictionis* to the power of ecclesiastical jurisdiction or

government. The first was clear enough. It was shared equally by all priests and in its fullness by all bishops equally, the pope himself not excluded. The second, however, was somewhat more complex in that it possessed a double modality, one pertaining to the internal, the other to the external forum. The former (*potestas jurisdictionis in foro interiori*) concerned the domain of the individual conscience. It was a power exercised above all through the sacrament of penance, a power of binding and loosing that could be wielded only by those possessed of the sacramental "power of order" and exercised only over those who voluntarily submitted themselves to its sway. That was not the case, however, with the power of jurisdiction in the external or public forum (*potestas jurisdictionis in foro exteriori*), which was a coercive power pertaining to a public authority, exerted even over the unwilling and directed to the common good of the faithful. It was, in effect, a truly governmental power (*potestas regiminis*) akin to that wielded today by what we call "the state." For its exercise, the possession also of the *potestas ordinis* was not an absolute prerequisite, though it was often associated with it in the same person. And it was certainly the power that the canonists had in mind when they ascribed to the papal monarch the plenitude of power or fullness of jurisdictional power.[36]

While John of Paris, it will be recalled,[37] had ascribed all of these powers to the priesthood, he had also regarded the power of coercive jurisdiction in the external or public forum as being "in a sense natural." By so doing, he had shifted it (and, with it, the power that had distinguished the pope from all other bishops) from the realm of the supernatural to that of the natural, from that dependent on the action of God to that dependent upon the consent of his earthly cooperators, so that the crucial line between the sacred and profane now ran right through the heart of the ecclesiastical office itself. But Marsiglio goes further than that, shifting that crucial line right up to the very perimeter of the priestly *potestas ordinis.* Thus he denies to the priesthood at large the possession of *any* power of coercive jurisdiction. So far as the human law is concerned, the coercive jurisdiction falls in its entirety to the secular prince alone, who, either himself or via his appointed judges, exercises that power "to punish transgressors of human laws" even if such transgressors are priests or bishops. And if, therefore, "no priest or bishop, as such, can or should exercise any judgment, principate or coercive dominion in this world," that restriction extends also to transgressions of the divine law, the sole judge of which is Christ himself and the punishment for which will take place in a future life.[38]

That being so, it is understandable that when he comes to speak of "the power of the keys or of conferring the sacrament of penance"

(i.e., of binding or loosing men from sin—the *potestas jurisdictionis in foro interiori*), Marsiglio, while attributing it to all priests, should deny its jurisdictional nature and effectively assimilate it to the *potestas ordinis.* That was the power which confers upon all priests in equal measure the indelible "priestly character" whereby they can administer the Eucharist and other sacraments, penance not excluded.[39] But it is God alone who forgives the penitent and wipes the slate clean. In exercising the power of the keys the priest exercises no such judgment but through his ministration simply shows "who, in the view of the church, is held to be bound or loosed from his sin in this world and is to be bound or loosed in another, i.e. *those whose sins God has retained or forgiven*" (italics mine).[40]

Fifth, and finally, what structure and system of governance is to be attributed to a church whose priesthood is thus distinguished by its poverty, by the equality of its members, and by the total lack of any sort of coercive jurisdiction? In his attempt to answer that question, Marsiglio is led to commingle ecclesiology and history. In the First Discourse he had identified as the efficient and ordering cause of the several parts of the city (the civic priesthood included) the "human legislator" or the princely part acting in accord with the legislator's prescriptions. But he had also gone on to note that in relation to the institution of "the true priesthood, sc. that of the Christians" he would be giving in the Second Discourse a somewhat different account.[41] There, when he comes to the matter in question, he is careful to distinguish the efficient or productive causes of what he calls the "primary" or "essential priestly authority"—that is to say, the sacramental power of order and affiliated power of the keys—from that "secondary" authority by which some of their number are placed over a defined number of priests or a people or both in a certain, defined province or place," and so on. In the case of the former, it is Christ who is the productive cause; in the case of the latter, that cause has changed across time. During the first three centuries of the Christian era when Christians sojourned as pilgrims within the alien confines of a pagan empire, it was the consent of the communities of faithful that was the efficient cause. Later on, however, after the Christianization of the empire, all of that changed, and the pertinent cause became none other than what he now calls "the faithful human legislator" (*legislator humanus fidelis*).[42] The fact that that term does not occur earlier in the *Defensor pacis* reflects the responsiveness of Marsiglio's ecclesiology to the fact of historical change; its introduction signals the novelty of the situation that eventuated when the emperor Constantine embraced the Christian faith. Before that time, as Marsiglio indicated in the *Defensor minor,*[43] and as a result of the complex process whereby legislative authority had via their

consent being delegated by the imperial provinces to the Roman people and thence to the Roman emperor, the emperor himself had become the *legislator humanus*. But as a non-Christian prince of a non-Christian empire the governance of the Christian communities clearly lay beyond his purview. Only with his conversion and the dawn of the Christian empire was "the universal body of the faithful" (to adopt Brett's felicitous formulation) "mapped . . . onto the universal body of citizens to create the faithful human legislator."[44] And from that time on, it was to be "the faithful human legislator who lacks a superior" that wielded coercive authority over the congregation of the faithful, clergy no less than laity, determining the arrangements pertaining to the "secondary" authority of the priesthood ("the determination and approval of persons, . . . all institution in offices," and so on), convoking the general councils to which it pertained to decide doubtful matters of doctrine and church ritual, determining the membership of such councils (laity as well as clergy), vindicating with its coercive power the conciliar decisions arrived at, decisions which could extend to the correction, suspension, or deposition of "the principal bishop," even if it be the pope or bishop of Rome.[45]

All of this was a far cry, of course, from the papally dominated ecclesiastical realities of Marsiglio's own day. He saw the declension which had led to those realities as having set in in licit fashion when Constantine had "granted the bishops and church of the Romans a certain pre-eminence and power over all the other churches, bishops and priests of this world." After that, however, it had taken a turn in a less lawful direction, and, by a "gradual and secret slippage" or a "hidden and creeping transfer," mutated illicitly into "a form and species of priority that is inappropriate for it, going as far as the most onerous and insufferable excess of taking over secular powers, as well as a boundless and intolerable desire for principate."[46] From this deplorable state of affairs, the "plague" that threatens the peace, stability, and even survival of all civil realms, Marsiglio, description and diagnosis completed, now seeks deliverance. And for that deliverance he looks to the "minister of God," the emperor Lewis IV, who is already "destroying the suppositions . . . [of the pope] both in word and in deed." And he does so with a measure of quasi-providentialist hope that Lewis "will give this work [or "task"—*opus*] the ending it hopes for from outside."[47]

Such is the Marsiglio who emerges when, along with the First Discourse, what he has to say in the Second Discourse is given the attention it properly deserves. This is a Marsiglio whose depths are not fully plumbed if one reduces him to just another Italian advocate (however distinguished) of republicanism or, more tendentiously, depicts him as a man born before his time, a precocious advocate,

perhaps, of a species of "Austinian" sovereignty.[48] Nor, for that matter, if one characterizes him as yet another advocate of "conciliarism"—if by that term one is referring to the more mainstream and constitutionalist ecclesiological stance that was later to come to the fore during the Great Schism and its aftermath. He was a theorist who was something other than that, and far more radical, and it would be a salutary clarification, obviating the need for obfuscatory exercises in tendentious classification if, by general agreement, we could decide henceforth to withhold from him that misleading designation.[49]

Something similar should be said also of William of Ockham. If Marsiglio was something other and certainly *more* than a conciliarist, Ockham was also something other, if also something *less* than that. So far as the emphasis on consent is concerned, he develops it no further in relation to the ecclesiastical polity than he had in relation to the secular; the two, indeed, tend to be treated in tandem.[50] Thus in relation to the election of the pope, he treats the electoral role of the College of Cardinals as one delegated to it for practical purposes and in principle revocable. As we have seen, he viewed the choice of a pope, like the choice of any ruler, ecclesiastical no less than secular, as governed by the natural law principle that the people over whom a ruler is set (in this case the clergy and people of Rome) have the right to elect that ruler.[51] In common with the secular polity, the ecclesiastical polity—which is nothing other than the "congregation of the faithful" (*congregatio fidelium*)—is possessed of the right to prevent its own ruin and secure its own well-being.[52] To that church alone, and not to the (local) Roman church of pope and cardinals, belongs the indefectibility that Christ promised his apostles. Whereas that universal church could never lapse in its entirety into heresy, history itself has demonstrated that the pope himself can do precisely that. If popes have indeed done so in the past, they may well do so again in the future, and if they do, they must of course be subjected to judgment. Canon law may well stipulate that the pope alone may summon a general council, but simple equity requires that in the event of papal heresy a council can be assembled by other means, even involving the laity, can stand in judgment on the pope, and if need be, can remove him from office. Further than that, the council is not to be seen as composed of members of the clerical hierarchy alone. Because "the church is not just the pope or the congregation of priests . . . but the congregation of the faithful," and "since what touches all ought to be discussed and approved by all," the elected representatives at the council should include lay folk, women as well as men.[53]

All of this certainly smacks of radicalism, as also does Ockham's anti-papal critique, which is as devastating as it is extensive. But one

has to be very careful about the generality of the conclusions one may be tempted to draw from it. As we have had occasion to note in earlier chapters,[54] Ockham's bedrock particularism and his intense preoccupation with contingency leads him to riddle any general claims he makes with a patter of exceptions and qualifications all of which, sometimes frustratingly, have to be taken into account. That is certainly true of what he has to say about the role of general councils. Beyond that, one has also to take into account the "episodic and secondary place" such councils occupy in his ecclesiology and which De Lagarde properly emphasized when he concluded that it would be futile to expect to find in Ockham's writings any "coherent theory of the rights of the general council."[55] The council, it turns out, is not really central to his ecclesiology, and of recent years, something of a scholarly consensus has developed to the effect that he was not, according to the usual understanding of the term, a conciliarist at all. Even under circumstances of crisis he does not necessarily attribute to the council the supreme jurisdictional power in the church. That it *can* judge and replace an heretical pope he has no doubt. But, at least according to his final opinion on the matter, he does not view it as *necessarily* the pope's natural judge. On that point he was inclined to conclude that "a heretical pope was *ipso facto* deposed and so subject to a species of declaratory judgment by any Catholic"—bishop, assembly of bishops, or even the emperor.[56] While the general council can be said in some imperfect degree to represent the apostolic college, the same, after all, can be said of pope and cardinals, and it is the case that only the universal church itself can perfectly represent that college.[57] If general councils can, indeed, be said in turn to represent the universal church, we have to remember that representatives do not necessarily enjoy all the powers pertaining to the community they represent. The council, for example, no more enjoys the prerogative of infallibility on matters doctrinal than does the pope, whose office, after all, is of divine origin, who also himself represents the church, and who is normally charged with the task of convoking councils.[58] If an heretical pope can be subjected at least to the "declaratory" judgment of a general council, the members of such a council themselves may be subjected to the judgment of the pope if they all lapse into heresy and he does not.[59] For Ockham, it is "scripture and reason that commands in the church," not its members or any subsection thereof.[60] And so on. The complexity of his argumentation is daunting, and that a taint of heresy came to attach itself to his views (or what were thought to be his views) is not altogether surprising. But, for our purposes, it is sufficient to be clear about the fact that had the later conciliarists drawn their central arguments from Ockham, to do so they would have had to simplify

and distort what he himself had actually had to say. His "more radical and anarchic ideas held [in fact] no attraction" for them. "Their task was to restore authority in the Church, not to hasten its disintegration."[61]

Conciliar Thinking from John of Paris to Matthias Ugonius and Christopher St. German

In their anxious attempts to restore authority in the church after a disputed papal election and the onset of a schism of unparalleled severity that had divided Europe first into two and then into three rival papal "obediences," the conciliar theorists came to focus intently on one particular aspect of the church. Of the four marks of the church designated in the Nicene Creed—one, holy, catholic, apostolic—it had been the mark of holiness that had given rise to the earliest ecclesiological controversies of the Christian era. But in the great late medieval tide of debate concerning the very nature of the church that crested in the late fourteenth- and fifteenth-century conciliar epoch, it was the mark of *unity* that lay at the very center of disagreement. And what was said about that mark of unity reflected the conflicted, even bipolar, nature of the canonistic constitutional legacy which, more than once in the course of this series, we have had reason to emphasize.[62]

If for the adherents of the more prominent high papalist position the key to that unity lay in the firm subordination of all members of the Christian community to a single papal head, for the others that key lay rather in the corporate association of those members. It was from the latter group that the conciliar theorists took their cue. They were firmly committed, and in this unlike Marsiglio, to the belief that the papal headship of the church was indeed of divine foundation. They were moved also by fugitive memories of the ancient pattern of thinking in which every bishop had been viewed as a successor of the apostle Peter, "joined" with his fellow bishops, as Cyprian had put it, "by the bond of mutual concord and the chain of unity"[63] and, with them, responsible in collegial solidarity and via the practice of vital synodal cooperation for the well-being of the entire community of Christians. And that community was itself taken to form a single body with Christ, its "primary" or ultimate head. These two convictions the proponents of conciliarist views sought to combine. That is to say, and as J. H. Burns has rightly insisted,[64] their argument with the high papalists was not an argument "for or against [papal] monarchy as such" but an argument about the *nature* of that papal monarchy. For they sought to harmonize their twin convictions by insisting that side

by side with the institution of papal monarchy it was necessary to give the church's communitarian or corporate dimension more prominent and routine institutional expression, most notably by the regular assembly of general councils representing the entire community of the faithful and capable of preventing the abuse of papal power by imposing constitutionalist limitations on its exercise.

In so doing, they unquestionably drew a great deal of inspiration from the essentially conciliar mode of governance characteristic of the ancient church for long centuries after the Council of Nicaea (325). That phase of church history had left as its enduring legacy not only the doctrinal decrees and disciplinary canons of the great ecumenical councils but also the memory of the work accomplished by a whole series of pivotal provincial councils, most prominent among them those held at Toledo in Visigothic Spain. That legacy was not to be forgotten by the medieval theologians, and much of it had come to be embedded in the texts which Gratian assembled later on in his *Decretum.*[65] As a result, this older conciliar material was very much on the minds of the great conciliar theorists as they labored to meet the enormous ecclesiastical challenges of their own day.[66] But if they unquestionably drew rich ideological sustenance from that ancient conciliar past, the conciliar theory they eventually hammered out derived, nonetheless, much of the structural and legal precision crucial to its practical implementation from certain elements to be found in the body of canon law itself and in the vast ocean of glosses on that law produced in the twelfth, thirteenth, and fourteenth centuries.

This, certainly, was the thesis advanced classically by Brian Tierney in 1955 and which, despite the subsequent surfacing of some oblique scholarly grumbling, has succeeded in sweeping and dominating the field. The body of argumentation with which he supported his case is highly complex and carefully nuanced, and it is unnecessary to engage all its intricacies here.[67] Suffice it to say that he pinpointed the origins of the conciliar theory in its strict, legal formulation as traceable to the combination of two quite different strands of canonistic thinking. The first stemmed from the "Decretists," the commentators on Gratian's *Decretum,* and notably from Alanus Anglicus (d. 1202) who had made the case that a pope who lapsed into heresy did not cease ipso facto to be pope, as other canonists had been prone to arguing. Instead, he had to be subjected to trial, judgment, and deposition. The body possessing the requisite authority so to stand in judgment was the general council. For it represented the *congregatio fidelium,* and even when in opposition to the pope, it possessed a jurisdiction superior to his in matters pertaining to the faith. The second strand was developed by the

"Decretalists" (commentators on the body of decretals produced in the thirteenth century by Pope Gregory IX) and notably by Hostiensis (d. 1271). What they had done was to apply

> at first to single churches and then at the beginning of the fourteenth century, in a fragmentary fashion, to the [local] Roman church and the Church as a whole, a theory which stressed the corporate association of the members of the Church as the true principle of ecclesiastical unity, and which envisaged an exercise of corporate authority by the members of a church even in the absence of an effective head.[68]

If through the agency of the cardinals, therefore, the members of the church had consented to the endowment of the pope with authority, they retained the power, should he fall into error on a matter of faith or abuse his authority in a manner detrimental to the good of the entire church, to withdraw that authority.

These two quite specific and disparate strands had to be teased out from the complex fabric of a canonistic heritage that was often quite ambivalent. And although John of Paris in the early fourteenth century stands out as a precociously clearheaded forerunner,[69] that complexity hindered the development of a fully coherent constitutionalist understanding of the church's unity until the imperative necessities of a protracted schism called such an understanding into being in the formulations of the great conciliar thinkers during the "classical age" dominated by the Councils of Pisa (1409), Constance (1414–18), and Basel (1431–49). But it remains the case that what made those formulations possible was nothing other than the "impregnation of Decretist ecclesiology by Decretalist corporation concepts."[70]

That duly acknowledged, it is important also to recognize that as they formulated their positions the leading conciliarists were led to advance a complex of ideas susceptible of many more variations than it once was common to assume—too many, certainly, to capture by invoking the simple slogan of the superiority of counsel to pope, and too elusive or responsive to shifting circumstance to trap within the elaborate classificatory schemata so often developed by modern commentators.[71] That caveat firmly posted, I believe that it is still possible to discern within the complex fabric of conciliarist thinking during its classical age of greatest prominence three broad strands, distinct in their origins and (in some measure) in their subsequent careers but in that era woven momentarily and fatefully into a coherent, meaningful, and historic pattern.

To the history of political thought the first (as well as the oldest and most prominent) of these strands has, in itself, little direct relevance. It is the demand for reform of the church in head and

members and the belief that that reform could best be achieved and consolidated through the periodic assembly of general councils. Stemming from the defensive reaction of the provincial churches of Europe in the thirteenth century to what they had come ruefully to see as the remorseless progress of Roman centralization, it had taken on a tone of greater hostility to papal claims in the demands for churchwide reform elicited by the assembly of the Council of Vienne in 1311 and in William Durand the Younger's call at that time for the future assembly of general councils at regular, ten-year intervals. It was to require, it has been said, "the pitiful situation created by the Schism to bring about the alliance of Conciliar theory [itself] with the demand for reform."[72] But once that alliance was concluded, the destinies of both were to be intertwined for the duration of the conciliar epoch itself and, periodically at least, during the centuries ensuing. Though lacking in the *Epistola concordiae* (1380) of Conrad of Gelnhausen, one of the earliest of conciliar tracts, this reforming strand was present in the thinking of most of the leading conciliarists of the classical era, and it received official conciliar ratification at Constance in 1417 in the historic decree *Frequens.* But while that decree mandated (and sought to render automatic) the future assembly of general councils at regular, stipulated intervals, thereby enhancing the presence of representative, consensual mechanisms in the church, and while in the minds of its framers it may well have been closely associated with the earlier superiority decree *Haec sancta synodus* (1415), *Frequens* did not itself necessarily presume any similar assertion in certain cases of the superiority to the pope alone of the council members acting apart from or in opposition to the papal head.

Nor did the second and least prominent of the three main strands in conciliarist thinking. That strand sought to give institutional expression to the church's corporate nature by envisaging its constitution in quasi-aristocratic or oligarchic terms, its government ordinarily in the hands of the papal curia and the pope being in some measure limited in the exercise of his power by that of the cardinalate, with whose "advice, consent, direction and remembrance" he had to rule.[73] This was the point of view which inspired the dissident cardinals in 1378 when they rejected the demand for a general council to pass judgment on the validity of Urban VI's election and took that task upon themselves, precipitating thereby the Great Schism. Those early conciliarists like Conrad of Gelnhausen and Henry of Langenstein who stood outside the ranks of the cardinalate were understandably unmoved by the claims being made for the Sacred College, and one would look in vain, accordingly, for any trace in their writings of such quasi-oligarchic notions.

Over the long, frustrating years of deadlock, however, and as the

events which had precipitated the schism began to fade into the past, some of those who had emerged as conciliarists were moved to harmonize what had previously seemed dissonant and to concede to the cardinals as well as the general council a constitutional role in the governance of the universal church. At the Council of Constance this was to be true not only of Pierre d'Ailly but also of Jean Gerson, his distinguished former pupil at the University of Paris.[74] Thus, in his *De potestate ecclesiastica* (*Concerning Ecclesiastical Power,* 1417), the culminating treatise in which he set forth his ecclesiological position with great lucidity and in considerable detail, Gerson evoked the Aristotelian notion of a mixed constitution embracing a combination of monarchical, aristocratic, and "timocratic" elements (contrasting this last element in which "the people exercise rule well" with its degraded "democratic" opposite) and applying that tripartite classification to the "ecclesiastical polity" itself. The general council he identified as the timocratic element, with the papacy being the monarchical and the cardinals the aristocratic elements, the universal church being viewed, therefore, as "the perfect polity which results from [the combination] of all [three]."[75] At the Council of Basel the same was to be true of Nicholas of Cusa and Denys van Rijkel (the Carthusian), both of whom, however, drew their views on the matter from the more explicit case d'Ailly had made earlier at Constance.

In his *Tractatus de potestate regia et papali* (*On Royal and Papal Power,* 1301), John of Paris had argued that the cardinals, "whose consent in place of the whole Church makes a pope," could equally act in place of the whole clergy and people in accepting his abdication or even deposing him for heresy, wrongdoing, or incapacity.[76] Earlier in the same tract, evoking the Aristotelian notion of the mixed constitution, he had also argued that the best and most practicable form of government for the universal church would be that form of kingship which contains an admixture of aristocratic and democratic elements as well. Such a regime, he said, would be the best because "all would participate in some way in the government of the Church."[77] That is congruent enough with what he has to say about the power of the cardinals, but he himself does not go on to identify the latter with the aristocratic element in his ideal ecclesiastical constitution. That particular move it was left for Pierre d'Ailly to take a century later. "It seems manifest," the latter tells us (using without acknowledgment John's very words), "that it would be the best regimen for the church if, under one pope, many men were elected by and from every province" and (going now one step beyond John) if "such men should be cardinals, who, with the people and under him, might rule the church and temper the use of [the pope's] *plenitudo potestatis.*"[78] And while Nicholas of Cusa later on does not seem to

have been impressed with d'Ailly's vision of the church as a mixed monarchy, he did borrow from him the notion that the cardinals should serve as elected representatives of the church's provinces, assisting the pope in the day-to-day government of the universal church itself—whence, he notes, echoing an old canonistic phrase, they are commonly said to be "part of the pope's body" (*pars corporis papae*).[79]

Drawing on the quasi-oligarchic tradition in canonistic teaching, d'Ailly had in fact moved beyond such generalities and gone into somewhat greater detail in his own effort to describe the precise role played by the cardinals in ecclesiastical government by virtue of their role as successors to the "Sacred College or Senate of the Apostles."[80] But in this he is not as systematic as his fellow cardinal Francesco Zabarella who, in his *Tractatus de schismate* (*Treatise on the Schism,* 1403–8)—a work of pure canonistic scholarship—gives that tradition a forceful and classic expression.[81] The term "Apostolic See" does not refer, Zabarella says, to the pope alone but to the pope and cardinals who together (akin in this to a cathedral chapter) form a single corporate body of which the pope is the head and the cardinals the members. If, under the deplorable circumstances of schism, the pope were to refuse to summon a general council, that right would devolve to the cardinals. Again, and under any circumstances whatsoever, it is the case that "without the cardinals the pope cannot establish a general law concerning the state of the universal church,"[82] nor without consulting them can he act on matters of importance. For their own part, however, and if circumstances warrant it, the cardinals can exercise their authority even to the extent of withdrawing allegiance from the pope. Moreover, during a vacancy or even a quasi-vacancy (which occurs when the pope cannot effectively rule the church), they succeed to the full powers of the Apostolic See. And they do so because the Sacred College in electing the pope represents the universal church and can act in its place.[83]

By the end of the fourteenth century this last sentiment had become quite common. Common enough, indeed, to explain how men like d'Ailly and Zabarella, though they were at pains to stress the supreme authority in the church of the general council, could still embrace also the quasi-oligarchic curialist position that others viewed as being in tension with conciliarist views. It reflects the fact that if Zabarella (and, though less clearly, d'Ailly) saw the (local) Roman church or Apostolic See as itself a corporate body composed of pope and cardinals—with all that that might imply constitutionally—they also saw it as the head, in turn, of a far greater corporate body, the universal church, from the consent of which it derived its authority and the well-being of which it existed to promote.[84] By so doing, of

course, they were reflecting their adhesion to the third, most fundamental, and most enduring strand in the conciliarist pattern of thought, a strand that to avoid confusion I will refer to henceforth as the "strict conciliar theory." And it was this particular strand of conciliarist thinking that was destined, as we will see, to find an enduring place and to play a significant role in the unfolding saga of the early modern history of resistance theory, constitutionalism, and the theory of legitimation by consent.

Whatever the controversialist literature of later years might suggest, this strict conciliar theory possessed no monolithic unity. Even if one declines Juan de Torquemada's essentially polemical invitation to identify it with the views we have seen espoused by Marsiglio of Padua and restricts oneself to the "classical age" of Pisa, Constance, and Basel, one quickly finds that the conciliar theory even of that restricted era encompasses a variety of formulations. Common to them all, however, were the beliefs that the papal monarch, however divinely instituted his office, was not an absolute ruler or incapable of doctrinal error but in some sense a constitutional ruler and therefore susceptible to correction; that he possessed a merely "ministerial" authority delegated to him via the consent of the community of the faithful for the good of the whole church, which itself alone possessed the gift of indefectibility; that that community had not exhausted its inherent authority by the mere act of electing its ruler but had retained whatever residual power was necessary to preserve the truths of the Christian faith and to prevent its own subversion or ruin; that it would exercise that power through its representatives assembled in a general council, could do so in certain cases acting alone and against the wishes of the pope, and, in such cases, could proceed, if need be, to judge, punish, and even depose him.

In the thinking of the long series of conciliarist authors, shaped usually by contextual factors of one sort or another,[85] one of course finds woven around this shared pattern of belief theories of different textures and dimensions. The variations involved reflect the differing temperaments of their authors, the differing callings—canon lawyer, theologian, curial official—that had helped shape them, and the differing capacities (cardinals, bishops, theological and canonistic advisers, representatives of kings, princes, communes, councils, universities, and religious orders) in which they were actually serving when they made their particular conciliarist pronouncements. Those variations also reflect the particular circumstances—political and diplomatic as well as strictly ecclesiastical—under which they wrote. If it would not in principle be too difficult to trace the workings of such contextual factors, it might be all too easy to do so at

unconscionable length, and we will limit ourselves here to three illustrations, all of them revealing differences of considerable significance.

First, in the context of the protracted confrontation with Eugenius and the Council of Basel's concomitant insertion of itself into the day-to-day governance of the universal church, some of the conciliar theorists of Basel (and notably John of Segovia) moved beyond their predecessors at Constance and edged into somewhat more radical territory. Evoking the analogy of the city-republic and fusing corporation theory with the ideals of the commune, they turned from notions of mixed monarchy and divided sovereignty, attributing, therefore, what amounted to an "unlimited jurisdiction to the *Church-in-council,* with the pope as its merely executive servant (*primus minister*)."[86]

Second, although the conciliarist literature at large (and not only that of the classical era) reveals the deep impress made by arguments drawn from the glosses of the canon lawyers, Decretist and Decretalist alike, the theologians were in general much more prone than were the lawyers to grounding their theories not only in canon law, or ecclesiastical custom, or Scripture and church history (though, of course, they did all of those things), but also more fundamentally in the mandates of the natural law itself.[87] Thus, in quite a few of the conciliarists of the classical era natural law is invoked only in relation to issues of a tributary nature, or barely mentioned, or mentioned not at all. Thus Gelnhausen, Langenstein, Dietrich of Niem, Zabarella, Andrew of Escobar, Denys van Rijkel, John of Segovia, Gregor Heimburg. Only in John of Paris and Nicholas of Cusa do natural law arguments come close to occupying the central position accorded to them by d'Ailly and Gerson and—glancing ahead—by Jacques Almain and John Mair in the early sixteenth century and Edmond Richer in the seventeenth—their successors who were later lumped together with them as the "Sorbonnists" or "divines of Paris."[88] And that fact must necessarily loom large in any attempt to assess the significance of the contribution that conciliarist ideas may have made to the history of *political* thought.

Third, there is a related point that it is important to take into account. It is somewhat more complex in nature but equally pertinent to the impact of conciliarism on the development of secular political thinking. And it seems usually to have been overlooked. We have already seen[89] that A. J. Black, Joachim Stieber, and, more recently, J. H. Burns have all stressed the complex interaction of ideology and diplomacy that led in the 1430s and 1450s to a vigorous papal counteroffensive involving the portrayal of the Baselian conciliarist ecclesiology, and especially the version advanced by John of Segovia,

as “constituting a subversive, even revolutionary challenge to the very principle of monarchical authority . . . in the temporal as well as the spiritual realm.” And further than that, we have seen this counteroffensive to have been “propagated, not only in the context of theoretical discussion but also, and even more vigorously, in serious and energetic diplomatic efforts to establish a papal-monarchical alliance with temporal rulers against the radical attack.”[90] Significantly less emphasis, however, has been placed on the degree to which, partly in response to that counteroffensive and in an attempt to deflect the charge that the so-called democratic ideas of the conciliarists posed a threat to every form of monarchy, some of those Baselian conciliarists (Panormitanus, Andrew of Escobar, Thomas Strempinski, and, above all, John of Segovia) were led to frame or reshape their conciliar theories in such a way as to render them *less* relevant or, indeed, irrelevant to matters pertaining to temporal politics.[91]

Indicative of this doctrinal shift is the fact that appeals to natural law, though not strictly lacking, play a less crucial role in the arguments of those Baselian conciliarists than in those of their predecessors. Similarly, the distinction between the powers of order and jurisdiction is less insistently and less effectively evoked, even at moments when it would have helped clarify and advance the line of argument. Again, when the conciliar theorists of Constance (notably Dietrich of Niem, Jean Gerson, and Pierre d’Ailly) described the universal church as a mystical body (*corpus mysticum ecclesiae*), they did so without evoking any spiritual or Eucharistic connotations, the term *corpus Christi verum* (true Body of Christ) being used to denote the Eucharist.[92] Instead, and in common with others at that time, they used *corpus mysticum* as a synonym for “moral and political body” (*corpus morale et politicum*) and certainly regarded arguments drawn from secular political practice as applicable to the church and vice versa. In contrast, some of the conciliarists at the time of Basel (John of Segovia, Panormitamus, Escobar, and Strempinski), as well as such later conciliar theorists as Pierre Cordier and Giovanni Gozzadini in the early sixteenth century, adopted a more cautious approach. The terms *corpus mysticum* and *corpus politicum,* instead of being used in the earlier conciliarist fashion as synonyms, were now contrasted and employed in such a way as to distinguish the universal church from all other communities in precisely those dimensions most relevant to the strict conciliar theory and to *set it apart from* societies in general. And the distinction now drawn between the church as a “mystical” and as a “political” body was aligned with the familiar distinction between the whole membership of the universal church considered “collectively” and considered “distributively”—that is, as a single

corporate body as opposed to a mere aggregate of particular churches or individuals (*omnes ut universitas/omnes ut singuli*).

Thus in formulations like that of John of Segovia (Black describes them as constituting "the essence of Baslean Conciliarism"), the church assembled in general council was identified with the *corpus mysticum* and papal sovereignty seen in contrast as pertaining "to a somewhat lower, merely 'political' order of things."[93] Parallels between church and secular polity were to be admitted as valid only in so far as the church was itself regarded as a *corpus politicum,* a collection of particular churches and individual members ruled in accordance with human judgment and reason, the governance of which, like the governance of any kingdom, God assists by a "general" rather than a "special" influence. But the church assembled in a general council was to be viewed as a *corpus mysticum* animated and protected by divine grace and not dependent on a merely *natural* judgment. And it was precisely to this church, a mystical body directed by the Holy Spirit, a unique community in which Christ rules by a special and not merely general influence that the arguments of these Baselian conciliarists for the superiority of council to pope pertained.[94] Their relevance, then, to the mundane realm of secular principalities and powers was understandably remote and the advisers of such rulers were properly to take them as such. In fact, the failure of later political writers to exploit the conciliarist arguments of such as John of Segovia, Panormitanus, and Andrew of Escobar itself suggests the possibility that they may have so been perceived.[95]

To the degree to which that is true, of course, it becomes correspondingly more difficult to follow Antony Black in his claim that it was at Basel rather than Constance "that the implications of Conciliarism for political theory were more fully developed."[96] Indeed, the very postulation of so firm a distinction between chronologically earlier and later formulations of the strict conciliar theory would appear to be as misleading here as it is in the case of those who, like August Franzen and Remigius Bäumer, have striven to divide conciliar thinking into earlier and later "extreme" and "moderate" versions.[97] Multiple variations there undoubtedly were, but I would suggest, and especially so if, as here, one has the history of political thought in mind, that the most significant dividing line runs along a very different axis. It runs, on the one hand, between the bulk of conciliar thinkers who were by and large content to rest their case on arguments drawn from the Scriptures, church history, canon law, and the Romano-canonical tradition of representation and consent (on which we dwelt in the second volume of this series)[98] and, on the other, that small but highly significant subgroup of thinkers running from John of Paris in the early fourteenth century,

via d'Ailly, Gerson, and Nicholas of Cusa in the fifteenth, and on to Jacques Almain and John Mair in the sixteenth, most of them philosopher-theologians affiliated with the University of Paris. For these men contrived to bring their conciliar arguments into contact with more abstract and universal principles that were philosophical in nature. They did so by treating the church less as a mystical community of salvation than as one of a class of rightly ordained political societies, by focusing their attention intently on ecclesiastical power considered under its most unambiguously political guise, by disengaging their essentially constitutionalist arguments from the particularizing elements of ecclesiastical, national, and regional law or custom, and by bringing them into firm connection with the more universal mandates of the natural law. By so doing, they succeeded in formulating the theoretical principles underlying medieval constitutionalism in general with such clarity and universality that, despite the growing prestige attaching to absolute monarchy, those formulations continued for centuries to reverberate in the European political consciousness.

The Conciliar Legacy in European Political Thought

Complex conciliar thinking may undoubtedly have been, but it is clear that its basic thrust was unambiguously constitutionalist. Accordingly, hopes and fears that it might serve to promote the cause of constitutionalist restraint even within the temporal monarchies of Europe were quick to follow in its wake. It was the fears that came first. That, as we have seen,[99] was evident already in the 1430s and 1440s when Eugenius IV and his supporters launched a vigorous papal ideological and diplomatic counter-offensive against the conciliarist forces dominating the Council of Basel. In the 1680s, during his great dispute with Louis XIV, Pope Innocent XI was to reprise the same line of march when, in response to Gallican evocations of the conciliarist position, he needled the French ambassador by pointing out to him that "if councils were superior to the pope whose power came from God, then the Estates-General would have leave to press the same claim against kings."[100] In the following century, clerics defending the French royalist cause against the "judicial Jansenists" of the day sounded harmonics of the same note.[101] And, on the eve of the First Vatican Council, as the anti-infallibilist Ignaz von Döllinger pointed out,[102] Giacomo Margotti, writing in the uncompromisingly papalist journal *Unità cattolica* which he had founded in 1853, touted "the wholesome political fruits [to be] looked for from the [definition of]

the dogma of infallibility." From "the bright example set by the bishops in their submission to an infallible pope," Margotti intimated, "the nations will learn to submit as children to their sovereigns, [and] the kingdom of unrighteousness will pass away." "Absolutism in the church will lead to Absolutism in the State." Anyone tempted to be skeptical about that happy prospect, he added, should be mindful of the fact that "Gallicanism, which [with its conciliarist orientation] demanded fixed guarantees against papal decisions . . . paved the way for constitutionalism and parliamentarism; for after a pope whose decrees *ex cathedra* are not irreformable [came] a king limited by the Constitution, and then the era of parliamentary revolutions and political storms [was] introduced."

To a twenty-first-century reader there is doubtless something slightly hallucinatory about this effusion, with its retroactively negative and ultramontane spin on the development of European constitutionalism. We should not miss the fact, however, that its chosen line of march was one in which the staunchly Protestant English royalists of the first half of the seventeenth century would have found much to sympathize. People like David Owen and John Buckeridge, bishop of Ely, in the early years of the century, or John Bramhall (later bishop of Armagh) and Henry Ferne (later bishop of Chester) during the first civil war—all of them clearly felt the anxious need somehow to bracket or defame conciliarist ideas in order to preclude their being applied by analogy to the temporal kingdom.[103] But none so imperatively as John Maxwell, bishop of Tuam, also writing amid the turmoil caused by civil war in his *Sacro-sancta Regum Majestas; or, The Sacred and Royal Prerogatives of Christian Kings* (1646). In that work, and with much vituperative *esprit,* he launched a long and powerful attack on those "Jesuits and Puritans" who, "to depress Kings averre that all power is originally, radically and formally inherent in the People or Communitie, and from thence is derived to the Kinge." That deplorable idea these Puritans ("Rabbies," he calls them) did not draw of course from "the sound Protestants of the Reformed Churches" but from such monarchomachs ("king-killers") of the previous century as Boucher, Rossaeus, and Hotman, and they, in turn, had "borrowed" it (or so he charged) from "the polluted cisterns" of "the Sorbonistes and others of that kinde" (i.e., the scholastic theologians of Paris). And, in making that charge, he cites the writings of John of Paris, Jean Gerson, and the early sixteenth-century scholastic, Jacques Almain. These were the men who, he says,

> to oppose the Pope, his infallibilitie in judgement, his unlimited power, and to subject him to a Councell, did dispute themselves almost out of breath, to prove that *potestas spiritualis summa* [the highest spiritual power] was by

> Christ first and immediately given *unitati,* or *communitati fidelium* [to the unity, or community of the faithful], that so the power might never perish, the truth might ever be preserved, and that howsoever for the time it was virtually in the Pope, yet he had it only from the community of the faithful *communicatively,* and in the case of defailance, in them it was *suppletive* [in a complementary fashion], and in the case that the power of the Church was abused to heresie or tyrannie, the Pope was deposable (not only censurable) by a Councell. This question was acutely disputed before about and after the Council of Constance.[104]

Of course, just as it had been in the interest of Eugenius IV (and would be in the interest of Innocent XI later on) to depict conciliarist commitments as subversive of all forms of monarchical power, temporal no less than spiritual, so, too, was it in the interest of staunch English royalists to do something similar. Their objective was to discredit the notion of popular sovereignty and to discredit also the parliamentary advocacy of a right of legitimate resistance to a tyrannical monarch by linking it damagingly with popery. It was from "the Romane Schools," Ferne trumpeted, that they had borrowed their arguments, and he went on to deride them for harboring silent thoughts of parliamentary infallibility and for being willing to attribute a binding force to the decrees of a parliament acting in the absence of the king on the grounds that "*such a power of binding has a generall Councell* [of the church] *to its decisions, and why should a Civill Generall Councell of England* [i.e., the parliament] *have lesse power in it.*"[105] However tendentious such claims may well seem, they were not advanced in the absence of supporting evidence. A whole series of historians concerned with the development of early modern political thought, ranging from Otto von Gierke and Lord Acton in the late nineteenth century, via John Neville Figgis, R. G. Geltell, R. H. Murray, C. H. McIlwain, H. J. Laski, and G. H. Sabine in the early to mid-twentieth century, all the way down to A. J. Black, Quentin Skinner, and others of more recent years, have found those royalist claims to contain a good deal more than a grain of truth.[106] And not least among them Figgis who, in a classic formulation, argued that the conciliar theorists of Constance

> appear to have discerned more clearly than their predecessors the meaning of the constitutional experiments which the last two centuries had seen in considerable profusion, to have thought out the principles that underlay them, and based them upon reasoning that applied to all political societies; to have discerned that arguments applicable to governments in general could not be inapplicable to the Church. In a word, they raised the constitutionalism of the past three centuries to a higher power, expressed it in a more universal form, and justified it on grounds of reason, policy, and Scripture.

As a result, the conciliar movement, he had gone on to point out, had

properly to be regarded as "having helped forward modern constitutional tendencies" because "it stripped the arguments for constitutional government . . . of all elements of the provincialism which might have clung to them had they been concerned only with the internal arrangements of the national States." In effect, conciliar theorists had expressed their principles "in a form in which they could readily be applied to politics," and so applied they were—even, and quite explicitly, by sixteenth-century Huguenot advocates of the right of resistance to monarchical tyranny such as du Plessis Mornay.[107]

While such views, however widespread among historians, have not, admittedly, won universal acclaim,[108] they have succeeded in maintaining a robustly continuing presence in the pertinent scholarly literature. And they have done so for very good reasons. "Parliamentary theory," as A. J. Black has properly insisted and as we have also seen, had failed in the later Middle Ages to keep "abreast of practice," and "the wealth of ideas about the representative and constitutional rule of councils in the late medieval church" stands in sharp contrast with "the poverty of theory about secular parliaments." As a result, it was "ecclesiastical constitutionalism [that] provided a general theory of constitutions for use by aspiring parliamentarians." It should come as no surprise to us, then, that "when some Protestant groups espoused secular constitutionalism," they should "look back, if with mixed feelings, on conciliarism as the closest historical precedent for what they were trying to do."[109] The conciliarist tradition served, in fact, as one of the primary conduits whereby late medieval constitutionalist ideas at large found their way into theories of forcible resistance to monarchical abuse of power framed by Calvinist and Catholic alike and came to play a prominent role in the arguments mounted in the seventeenth century by the opponents of monarchical absolutism. As we shall see in the next chapter, two great moments of dramatic ideological upheaval in that century and the one preceding were to have the effect of putting into general circulation the crucial body of scholastic writings in which that constitutionalist tradition of thought had found its clearest expression, thereby heightening its profile and impelling it into the very center of the great political and constitutional debates that dominated the era. That was to be true not least of all in England, which by the mid-seventeenth century had become the primary arena wherein the advocates of absolutist and constitutionalist ideas were destined to do battle.

8. The Watershed of Modern Politics

"THE JESUITS AND THE LAWYERS of France and the Low Country men have engrossed all learning"—this, the wry judgment passed by John Selden, the historically minded English jurist and moderate parliamentarian whom Hobbes and Milton both counted, it seems, as an admired friend.[1] Whether or not Selden's judgment is a wholly accurate one, it is the case that any treatment of the development of political thinking in the sixteenth and early seventeenth centuries that aspired to be truly comprehensive would be called upon to address the rich Jesuit tradition of political theorizing, the Dutch contribution to constitutionalist thinking stimulated especially by the break away from Spanish imperial rule, as well as the views cherished by the "antiquarian" jurists of France and England who ransacked the deliverances of the past for evidence of those ancestral rights and liberties that had come by some to be understood as together composing a putative "ancient constitution" immune to the attempted intrusions of royal prerogative.[2] No such aspiration to comprehensiveness can be confessed here. On François Hotman and Robert, Cardinal Bellarmine (that great "administrator of doctrine"[3]) we will have some occasion to dwell, though not at much length. But to such as Persons and Molina, Mariana and Suarez, Grotius, Althusius, Hakewill, Glanvill, and Coke we can accord the courtesy of only the most fleeting of mentions. In this concluding chapter my purpose is instead a rather tightly focused one. It is to chart the emergence in the sixteenth century among Calvinists and Catholics alike of theories of rightful resistance to tyrannical rulers, as well as the persistence on into the seventeenth of medieval constitutionalist ideas, along with the development and unfolding of theories of legitimation by consent. While resistance theory addressed the exceptional circumstance, the constitutionalist tradition in general as well as the specifically conciliarist version and other consent theories spoke in broader fashion to those more enduring questions concerning the grounding nature, organization, and reach of political authority that came to occupy center stage especially in England during the great political turmoil of the mid-seventeenth century.[4]

By way of coming to terms with such issues, for space does not

permit the construction of a full-scale and continuous narrative, I propose instead to probe the unfolding of the developments in question at four strategic moments. First, the late-scholastic resurgence of fairly radical constitutionalist thinking in France and Scotland that was quickened partly by the assembly in 1511–12 of the essentially conciliarist assembly that has come since to be known as the *conciliabulum* of Pisa. Second, the collapse in mid-sixteenth century, and under the impact of adverse political conditions, of the Lutheran and Calvinist denial of the legitimacy of forcible resistance even to tyrannical rulers, the emergence, accordingly, of what has sometimes (if misleadingly) been referred to as the "Calvinist theory of revolution," the departure of Protestant political thinking from the more purely scriptural channels to which it had earlier been confined, and the concomitant reappropriation of elements drawn from the late medieval constitutionalist tradition. Third, the ideological upheaval occasioned in the early seventeenth century by the Venetian Interdict of 1606 and by the contemporaneous English Oath of Allegiance controversy and, in the wake of the assassination of Henri IV in 1610, by the later attempt of the French Estates-General to impose on churchmen, royal officials, and others an oath which its opponents portrayed as modeled on the earlier English one. Fourth, the ideological volcano that erupted in England in the wake of the king's defeat in the civil war. During that great upheaval, the English sectarians who were now emerging as leaders of the group dubbed as "Levellers"—John Lilburne, Richard Overton, and William Walwyn—began to apply to secular political society the voluntaristic, consensual, and implicitly contractarian model which they had long since come to apply to their separatist churches. If the first three of these chosen "moments" had served among other things to disseminate more broadly than heretofore conciliarist and related medieval notions of consent, the fourth was to witness the engineering of a crucial transition from more traditional notions of community consent conceived in collective or corporate terms to the more "modern" notion of political consent as involving the assent of a concatenation of free and equal individuals imposing on themselves an obligation which, of their ultimate autonomy, they could well have avoided. These four "moments" we will address in turn and in chronological order.

The *Conciliabulum* of Pisa: Thomas de Vio, Cardinal Cajetan, Jacques Almain, John Mair

Across few historical topics has the future cast backward so long and

deep a shadow as that of the fate of conciliarism in the wake of the dissolution of the Council of Basel in 1449. On that matter it should not escape our attention that the constitutive narrative still embedded in our general histories (and not only those of Catholic provenance) is actually the product of an essentially ultramontane historiography. With the definitions of papal primacy and infallibility promulgated in 1870 at the First Vatican Council, the views of the Roman theological school finally triumphed over those of its Parisian Gallican rival. As a result, the conciliarist ecclesiology was now extruded into the outer darkness of heterodoxy, and the past came rapidly to be reshaped to reflect, accordingly, that outcome.

Thus, in terms of the big picture conveyed, the whole conciliar episode came now to be portrayed as emerging, once the ideological dust was allowed to settle, as nothing more than a stutter, hiccup, or interruption in the long, majestic history of the Latin Catholic Church, an unfortunate, dangerous, and revolutionary episode, it may be, and one certainly that was radical in its origins. But one also, it was insisted, that was rapid in its demise. If it had got under way with the disputed election of 1378, by 1440, even before Eugenius IV's great struggle with his conciliarist opponents at the Council of Basel was over, it was already doomed. That year, the French historian Paul Ourliac claimed not much more than thirty years ago, was a great ideological and ecclesiological hinge or turning point, after which theologians, canonists, and humanists alike turned eagerly to what he called the "constructive" task of engineering the triumph of papal monarchy.[5] Eugenius IV's victory over the Council of Basel marked the end of the conciliar movement. And if the conciliar theory survived a little longer, it was to enjoy not much more than a shadowy half-life, or, put differently, it was destined to become little more than a minor perturbation on the outermost orbit of the ecclesiological consciousness. A wholly unwarranted importance was attached, therefore, to Pius II's bull *Execrabilis* (1460) prohibiting the "execrable abuse" of appealing from the judgment of a pope to that of a general council, and a few glancing and oblique formulations in the Fifth Lateran Council's decree *Pastor aeternus* (1516) were inflated into an outright condemnation of the strict conciliar theory itself.[6] Unnoticed or, at least, unremarked went the fact that in its own day *Execrabilis* was viewed less as some sort of binding judgment than as the predictable reaction of a particular faction, one that witnessed less to the marginal or heterodox nature of the alleged abuse than to its widespread currency. Unremarked, too, was the fact that *Pastor aeternus* made mention neither of Constance nor of its superiority decree *Haec sancta*—and not because the abrogation of the latter was regarded at the time as redundant. In the instructions he gave to his

envoys to the Fifth Lateran Council, Ferdinand the Catholic of Spain had in fact explicitly urged the need for such a formal repudiation of that decree.[7]

And so on. Over the course of the last three-quarters of a century, however, an accumulating body of specialized scholarship has called the older constitutive narrative sharply into question in almost all of its phases. If it has been made to seem clear, in retrospect, that the conciliar movement came to an end in the mid-fifteenth century, that was by no means clear to the anxious papalists of the day who had more than once to face the possibility that the royal and princely rivals to the pope might succeed in capitalizing on clerical discontent in such a way as to engineer the threatening assembly of another general council (as, indeed, they did in 1511). And so far as conciliar theory is concerned, it is now clear that it maintained a vigorous life, especially in northern Europe, right down into the nineteenth century.[8] When in 1818 the English historian Henry Hallam came to write about the ending of the Great Schism at the Council of Constance by the deposition of the rival claimants, he spoke of "the Whig principles of the Catholic Church" embodied in the superiority decree *Haec sancta* and described that decree as one of "the great pillars of that moderate theory with respect to papal authority which . . . is embraced by almost all laymen and the major part of ecclesiastics on this [northern] side of the Alps."[9] Fifty years later, on the very eve of the Vatican Council and at a time when the rising tide of Ultramontane sentiment seemed poised to engulf all opposition, Henri Maret, the last dean of the theology faculty at the Sorbonne, published a large, two-volume work entitled *Du concile général et de la paix religieuse,* an impressively robust reaffirmation of the age-old tradition of conciliarist constitutionalism in the Latin Church and one in which the fifteenth-century conciliarists half a millennium earlier would certainly have recognized the broad contours of their own ecclesiological commitments.[10]

So, too, would their early sixteenth-century successors who expressed their conciliarist views in the context of a renewed outburst of conciliar activity. For in 1511 the apprehensions of the papalists had been fulfilled when five cardinals of the opposition, acting with the support of Louis XII of France, succeeded in assembling the council that has gone down in history as the *conciliabulum* of Pisa.[11] As that derogatory name suggests, it was not a particularly successful venture. It was too obviously a tool of French royal policy, and the pope succeeded in taking the wind out of its sails by convoking his own rival Fifth Lateran Council. Unsuccessful it may have been, but it did prove to be the catalyst for a very significant and influential outpouring of conciliarist sentiment. It functioned, in effect, as the

first in a notable series of ideological relay stations, picking up from the past a gradually attenuating conciliarist signal and clarifying, strengthening, and boldly transmitting it forward in updated and re-energized form to the receptors of future generations. This was particularly the case after Thomas de Vio, Dominican master-general and future Cardinal Cajetan, perhaps the leading theologian of his age, entered the lists with his *De comparatione auctoritatis papae et concilii* (*Concerning the Comparison of the Authority of Pope and Council*). For that intervention had the effect of drawing into the fray on the conciliar side of the equation Jacques Almain (d. 1515) and, later, his distinguished former teacher John Mair (or, "Major," d. 1550), Parisian theologians who both produced particularly clear and powerful reaffirmations of the conciliarist (and constitutionalist) ecclesiology.

Given the intensity of their focus on the strict conciliar theory, the clarity and force with which they restated it, and the frequency of their resort, in so doing, to secular political analogies, it is no more than appropriate that Almain and Mair have begun at last, in the more recent interpretations of early modern political thought, to emerge from the historiographical shadows.[12] One of the striking features in the whole exchange, via Cajetan's *De comparatione,* Almain's *Tractatus de auctoritate ecclesiae* (*A Book Concerning the Authority of the Church*), Cajetan's response in his *Apologia de comparata auctoritate papae et concilii* (*Apology . . . Concerning the Authority of the Pope Compared with That of the Council,* 1512), and, later, Mair's *Disputatio de auctoritate concilii* (*Disputation Concerning the Authority of the Council over the Supreme Pontiff,* 1518),[13] is the fact that the disagreement is tightly focused on the governance of the church as opposed to that of the secular polity. On the latter, they were not—or not markedly—in disagreement one with another. And that is a telling point. Thus in the *De comparatione* and, even more, in his subsequent *Apologia,* Cajetan is perfectly willing to concede that "human civil government" is by natural law "from the community" and can be "devolved to one or more by the community." "A free community," he adds, "can rule by itself, institute a triumvirate or other things of this sort, even superior to the king whom they choose." The point he is concerned to make is that, to the contrary, such things the church simply cannot do. Although "it is free with the liberty of grace," it is not, unlike the civil community, free so far as the right of ruling goes. For the "first principle" of its power comes not from the community "but from Christ himself, who subjected the church not to the community but to His [papal] vicar."[14]

By so doing, of course, he set himself in opposition to the firmly considered position Almain had earlier adopted and Mair was later to

second. Almain, it is true, right at the start of all three of his pertinent treatises, is also at pains to distinguish between civil society and the church.[15] For the latter, he says, is no merely political society but one of supernatural institution, composed only of those regenerated by the saving waters of baptism, ordained to no merely natural end, governed by a modality of power embracing elements that exceed the purely human. Nothing other, in effect, than the *corpus Christi mysticum,* with Christ as the head and the faithful as the members, ordained to the supernatural end of life eternal.[16] First appearances, however, turn out to belie persistent realities. As we read on, we find that Almain's focus lies persistently on the church's human dimension rather than the divine. Again and again we are confronted with arguments and expressions indicating that whatever its unique dimensions, the church, *pace* Cajetan, is (or is also) to be regarded as "one of a class, political societies."[17] If he deploys the term "mystical body," he tends to do so after the fashion of the day to denote a "moral and political body" (*corpus morale et politicum*).[18] Hence he chooses to begin his *Tractatus de auctoritate* by discussing the origin of "civil jurisdiction . . . so that ecclesiastical jurisdiction may be known through comparison with it, and so the Church's authority over the pope may be demonstrated from natural law."[19]

What he has to say about "civil jurisdiction" is clear and powerful enough. Just as "God, the author of nature, created man with a natural right or power to obtain those things which are necessary for his sustenance and to repel those things which are harmful," even by killing "anyone who attacks [one] unjustly," so, too, "in the same way" and by analogy "any community of people living together in civil association . . . has a natural power to preserve itself," even by "cutting off by death those whose life disturbs the community." If it falls to a king to exercise that power, it has not been granted to him "by anyone but the community itself," for "that authority is in the community first of all" and in accordance with the mandate of natural law itself. "No perfect community can abdicate this power" any more than an "individual can abdicate the power which he has of preserving himself; nor, indeed, can he be deprived of it." It follows, then, that the community has and retains "power over a prince constituted by it, by means of which, if the king rules not to the edification but to the destruction of the polity, it can depose him, otherwise it would not have sufficient power to preserve itself." This is not, moreover, a matter of mere theory. For it was "by using this power that the community of the French once [in 751] deposed its king, not so much for crimes as because he was useless."[20]

So far as royal authority in secular political society goes, then, it does not come immediately from God, nor from the prince himself,

but from the whole community which, having conferred it upon him, retains always the right to withdraw it again and to depose him if his rule tends not to the good of the community but to its destruction. Were things otherwise, after all, the community as a whole would not have power sufficient to prevent its own ruin. That would clearly be so unthinkable a state of affairs that Almain does not deem it necessary to elaborate the point but simply goes on in the remainder of the treatise to argue that it is true also of the church, the community of the faithful. Thus, with many an invocation of rules applying to the secular or civil polity in general and the kingdom of France in particular, he makes the conciliarist case that Christ conferred the supreme ecclesiastical power not simply on Peter alone but also on the church, "the body (*collectio*) of the faithful" or "the general council representing the church."[21] That church, moreover, or the general council representing it, is superior in power of jurisdiction to the pope. Indeed, the ecclesiastical power which resides in the church is not only "greater in extension" than that residing in the pope, but it is also "greater in perfection," too.[22] Just as there is one power "in a king and a kingdom," there is also "the same plenitude of power . . . in the Church, in the council and in the pope." But it is in the church more fully than in the pope, in that it extends to some actions of which the pope is incapable.[23] Among other things, and it is the central point at which Almain is aiming, in the church that power extends to the election and deposition of popes. So that the general council representing the universal church has the "authoritative power" to act as ordinary judge of the pope, not only in cases of heresy but in every case of notorious sin, and to go on if necessary to depose him—even, should it be for the good of the church, if he is guiltless. Indeed, should he persist in his wrongdoing, it could also go on to deprive a deposed pope of his very life.[24] Were that not the case, Christ "would not have made the Christian community free," and would have

> deprived . . . [that] community of what is known to belong to it by natural law. For a purely civil and natural polity would not be well organized if it could not bring down its king who is throwing it into disorder. . . . A community cannot abdicate the power of bringing down and killing him as a member corrupting the whole body. Granted the opposite, indeed, the polity would seem to be despotically enslaved.

That being so, and it is a point to which Almain returns more than once, "if the Church cannot get rid of a pope ruling it to its destruction[,] . . . it follows that a purely natural and civil polity would be better organized than the ecclesiastical polity."[25]

To many of the same points John Mair, Almain's former teacher, returned (and not without an eye on Cajetan's claims) in the context

of a commentary on St. Matthew's Gospel which he published in 1518, several years after the collapse of the *conciliabulum* of Pisa. He is quite straightforward in his conclusions. In the secular sphere, the supreme and "originating" power which cannot be abrogated resides in the kingdom and the whole "free people."[26] Or again, as he puts it in another passage, although as a matter of course the king is superior to his whole kingdom, nevertheless "virtually (*virtualiter*) the people is superior to the king and the church superior to the pope."[27] It is true that while "the king does not have power and authority except from the kingdom which he freely leads . . . the pontiff has his authority from God." But that notwithstanding, "it is not likely that God failed to leave such power in the Church to an even greater extent than that power subsists among the people of a single kingdom." "Otherwise, better provision had been made for the secular polity than for the Church."[28] Here, taking simply for granted as applicable to the sphere of the secular polity a quite radically constitutionalist pattern of thinking, he goes on to insist that that form of constitutionalism applies also to the church. Thus, the general council, "properly assembled and representing the universal church, is superior to the supreme pontiff,"—the council, in this specific instance, being taken to exclude that pontiff.[29]

To this basic conclusion he attaches many of the corollaries, parallel assertions, and supporting arguments that are to be found also in Almain, notably those concerning the convocation of a council under emergency conditions when a pope is unwilling to do so and when such a council is needed for the correction of evident abuses.[30] Similarly, the right of such a council to judge and depose a pope not only for heresy but also for other notorious crimes.[31] In so arguing, Mair distinguishes less firmly than does Almain between the church and the secular polity and leans less heavily for support upon the canonists than upon extended analogies drawn from contemporary constitutional practice.[32] At the same time, and accordingly, he is even more forceful than Almain in grounding his conciliarist claims on the dictates of natural law and in treating the ecclesiastical and secular polities almost univocally. "It is more in accordance with the light of nature that an incorrigible head should be deprived of his authority," nor is it "likely that God failed to leave such power in the Church to an even greater extent than that [political] power subsists among the people of a single kingdom." And he goes on, accordingly, to invoke precedents drawn from the custom and practices of France, the Spanish kingdoms, and Scotland.[33]

If one steps back from the detail and takes the arguments of Almain and Mair together, four observations suggest themselves. First, that those arguments address only one of the three strands that we

saw to be woven together in the conciliarism of the classical era at Constance and Basel.[34] While there is no reason to believe that either man was necessarily lukewarm on the matter of church reform (both had spent their formative years in Paris at the Collège de Montaigu under the rigorous rule of the Flemish reformer Jean Standonck),[35] Mair mentions reform but briefly and Almain not at all. Missing from their discourse, therefore, was the first and oldest strand in the full pattern of conciliarist thinking, the belief that such reform could best be achieved and consolidated through the periodic assembly of general councils.[36] But if the two men passed over the reformist strand in silence, their rejection of the second, or oligarchic, strand was quite explicit. That strand, it will be recalled, envisaged the pope as being limited in the exercise of his power by that of the cardinals, and both John of Paris and Pierre d'Ailly had linked that oligarchic limitation with the notion of the church as a "mixed monarchy." By the end of the fifteenth century, however, such notions had become characteristic, less of churchmen of conciliarist sympathies than of the cardinals of the Roman curia itself.[37] Almain was quick to dissociate himself from such views, and Mair, though he makes no mention of the cardinals, insists that the church is a purely regal polity (*politia regalis*) not an aristocratic one. "Some people maintain," he says, "that the ecclesiastical polity is a mixed one, but I do not say so."[38]

What these two thinkers focus on exclusively and, by so doing serve to put in high relief, is the strict conciliar theory, that is to say, the most unambiguously *political* strand in the complex of ideas that had made up the conciliarism of the classical era and precisely the one that lent itself most readily to the repeated invocation of analogies from the secular polity that play so prominent a role in their treatises. And that relates directly to my second observation concerning the distinctive features of their argumentation, namely, their clear grounding in the natural law itself (to which right reason was an unfailing guide) of the right of a kingdom, acting, presumably, through its representative institutions, to protect itself against its own ruin and to depose a king, whose power derived, after all and in the first place, from its own consent but who had lapsed into tyranny. Similarly, and also by the dictate of the natural law, even though ecclesiastical power itself derives not from the faithful but from God, the right of the universal church, acting through its representative general council, to judge and depose a pope who by his behavior threatens its destruction. Ockham, it will be recalled, had insisted not only on the right of a free people to choose its ruler by its willing consent but had also grounded that right in nothing less fundamental than the natural law itself.[39] Following in his footsteps but expanding the implications of his position to embrace also the enduring right of

the ecclesiastical community to prevent its own destruction, d'Ailly, Gerson, and Cusa had also gone on to ground in natural law the right of that community to stand in judgment over and, if necessary, to depose a criminous pope.[40] Almain and Mair, then, were pursuing the same track, and it was probably their grounding in the natural law of the right of a political community to judge and depose a criminous ruler that helped make their essentially constitutionalist views so appealing to and usable by Protestant resistance theorists in the latter part of the sixteenth century and English parliamentarians in the first half of the seventeenth.

My third observation, however, concerns the vagueness of Almain and Mair on the matter of how, precisely, in the temporal polity the whole people or community is to exercise the authority over criminous rulers that they insist it possesses. So far as the ecclesiastical polity goes, they are both clear and precise: it is the general council which represents the universal church which must act to judge and depose a criminous papal ruler who is advancing not its building up but its tearing down. In the parallel case of the secular polity's confronting a comparable threat from its king, both men, however, fail to grapple with this essentially practical institutional question in any systematic fashion. But if Almain gives us no overt clue to the way in which he would address that question, Mair does. And what he has to say suggests that they may not have bothered to address the issue explicitly because they thought the answer to be altogether obvious and/or because their primary concern lay with its solution in the ecclesiastical polity. Thus, having alluded to the Aristotelian notion that "the city's governance should remain and reside in accordance with its constitutional order, with the *weightier part* (*valentior pars*) of that city," he goes on to evoke the role that "the three estates of the kingdom" play "in critical cases" and, by analogy, the role played by the general council in imposing "binding laws on the pontiff."[41] And, in his *History of Greater Britain,* he is quite explicit about the fact that it is up to "the chief men and nobility who act for the common people" to deal with such issues. So that kings are not to be deposed "unless under a solemn consideration of the matter by the three estates."[42] It would be unwise, then, or so I am inclined to think, to attribute any more "populist" leanings to Almain and Mair.[43]

And, more firmly now, my fourth observation. Here I conclude that it also appears unwarranted, despite sporadic flickering of "rights talk," to ascribe to the two men anything approximating a coherent theory of subjective rights.[44] Almain does ascribe to man in his pre-political condition "the natural right or power to repeal those things which are harmful." In the same way, by analogy, but as Burns has rightly emphasized, not "as a result of transfer or delegation by

individuals," a political community has likewise "the right to act for its preservation and well-being."[45] While ascribing a theory of subjective rights to d'Ailly, Gerson, Almain, and Mair, Tuck concedes that that theory belongs to their moral theology rather than their political thinking. "The theory [of subjective natural rights]," he says, "in fact seems to have played very little part in the communitarian, conciliarist case to arguing which d'Ailly, Gerson, Almain and Major all devoted so much of their attention. Its implications were, after all, potentially individualistic, while it was a crucial feature of their kind of conciliarism that a community was the source of political authority."[46] And in almost every instance in which Skinner ascribes to Almain and Mair the deployment of a theory of subjective rights in matters political, the rights referred to appear usually to be the rights of rulers or those of communities. And in the latter case, the use of the term "subjective rights" is surely inappropriate.

The Right to Resist and "the Calvinist Theory of Revolution"

Within a decade of Almain's premature death in 1515 and well within the course of Mair's long life what they had both taken wholly for granted about the inherent power of the community in a secular polity to protect itself against the malfeasance of a tyrannical ruler even, if need be, by resort to force had been called frontally into question. Here the critical point of departure was Luther's insistence upon grounding his political views on Scripture alone, the enormous and highly influential emphasis he placed on Paul's Epistle to the Romans 13:1–7 and 1 Peter 2:13–14, and his insistence, accordingly, on the duty of Christians passively to obey the powers that be, even if they abuse their power, for tyrants, too, are the ministers of God and, as Paul insists, they may well be the chosen instruments of his wrath. The energy with which he proscribed any resort to forcible resistance to rulers intensified, as we have seen, after the Peasants' War of 1524–25 and, setting the tone not only for the German heartland of Lutheranism but also for Calvin and the other leaders of the Reformed tradition, came to exert a formative influence on the dominant views of Protestants in France, Scandinavia, Scotland, and England, as well as on those in Germany and Switzerland.

We should not permit ourselves, however, to be misled by the political passivity that set in among German Lutherans after the Religious Peace of Augsburg in 1555. The phase of "nonresistance" which Luther had initiated should be seen, I would suggest, as something of a novelty, a deviation from long-established norms that

were destined in the future to betray a stubborn resilience. However significant it was, that great, Luther-inspired swerve in the history of political thought away from the characteristically medieval constitutionalist aspirations so clearly expressed by thinkers like Almain and Mair was, in fact, at least in its unqualified form, surprisingly short-lived. The difficulty with which, in the middle to latter years of the sixteenth century, Calvinists in France, Scotland, and the Netherlands groped their way toward what has sometimes, if misleadingly, been depicted as a distinctively "Calvinistic Theory of Revolution"[47] should not lead us to overlook the fact that the first halting steps in that direction had been taken already by Luther, Melanchthon, and their associates as early as 1530–32, less than fifteen years after Almain's death.[48] At that time, confronted by the threat that the empire might finally be about to mobilize an army to crush Lutheranism by force, a group of Lutheran cities and principalities, having organized themselves into a defensive Schmalkaldic League, began to develop theories of resistance in order to justify their defiance of the emperor. The somewhat recondite theories involved were the work not of theologians but of lawyers in the employ of Saxony and Hesse, and they pivoted either on elements drawn from Roman private law (the right, for example, to repel force with force) or on the intricacies of the imperial constitution (the claim, for example, that "inferior magistrates" or agencies in the baroque structure of imperial government could act constitutionally to limit the emperor's power if by intruding into the religious policies of princes and cities he exceeded the legitimate reach of his authority). In accepting such arguments, Luther and his associates simply deferred to the superior legal knowledge and expertise of the Saxon and Hessian lawyers in their decoding of the complex structure of the imperial constitution. Such arguments, moreover, were never acted upon in Luther's lifetime as the imperial threat did not come to fruition and the attention of Charles V came to be diverted to pressing problems elsewhere in the vast reaches of his possessions. Only after 1546, when the imperial threat was renewed in concrete form and the Schmalkaldic wars ensued, were the resistance theories of the Lutheran lawyers foregrounded once more and given a deeper foundation in the dictates of the natural law. Thus in the *Bekenntnis* of Magdeburg, a "confession" promulgated by the pastors of that city in 1550, it was proclaimed that the imperial authorities, in attempting to impose a false religion on the inhabitants of the city, were in violation of that natural law and could properly be resisted, even by force of arms.

In the event, with the Religious Peace of Augsburg (1555) the attempt to enforce religious uniformity within the imperial territories

was abandoned, the principle *cujus regio ejus religio* adopted, and it was left accordingly to each principality and city to choose for itself between Catholic and Lutheran commitments and forms of worship. But if for the Lutheran heartland in Germany the theories of resistance developed in the 1530s now became redundant, that was far from being the case for Protestants at large. Despite their dominant stress on the Christian duty of obedience to the political powers that be, theologians of Calvinist persuasion like Peter Martyr-Vermigli (1499–1562) still did not prove averse to incorporating elements of the Lutheran theories of resistance—notably their emphasis on the role of inferior magistrates—into their commentaries on the Bible. Nor, in their broodings about the duty of governments to repress any upwelling of false doctrine within their jurisdictional orbit and to resist its imposition from without, did Calvinists like Theodore Beza (1516–1605) and John Knox (1513–72) overlook the pertinence to their concerns of the *Bekenntnis* of Mageburg.[49] Even the later Calvin himself did not prove altogether immune to the appeal of ideas that set limits to the abuse of royal power. That fact is glancingly reflected in several of his biblical commentaries, notably that on Daniel, but more directly toward the end of his *Institutes of the Christian Religion,* where, in a classic passage (which appears in the successive editions of that book), he follows in the footsteps of Zwingli and Melanchthon and evokes the example of the ephors of Sparta who, he says, "were set against the Spartan kings." "If there are now," he adds, "any [comparable] magistrates of the people, appointed to restrain the willfulness of kings, . . . [with] such power as the three estates exercise in every realm when they hold their chief assemblies," then it is clearly their duty, as divinely ordained protectors of the people, to oppose "the fierce licentiousness of kings."[50] Such statements are hemmed in, however, by an unremitting insistence that the new Gospel was not "the opportunity for sedition" and that Christian liberty was "in all its parts a spiritual thing and not to be misinterpreted and placed in the service of anarchy and licentiousness."[51] They are framed also by a persistent denial to private persons of any right of forcible resistance even to tyrannical oppression. Tyrants, after all, may be the instruments of God's wrath. And even if we have the duty to disobey if commanded to do wrong, we are equally bound to accept without recourse to violence the consequences of that disobedience.

By the time, however, that Calvin published the final edition of the *Institutes* in 1559, churchmen from England and Scotland who had been drawn into the orbit of Reformed Protestantism had already broken not only with his general emphasis on passive obedience and the caution of his concession to the possibility of constitutional

resistance by inferior magistrates but also with his exclusion of the legitimacy of popular resistance and his absolute rejection of forcible resistance by private individuals. The theorists in question were churchmen driven into continental exile by the Catholic restitutional and repressive policies initiated by Mary Tudor (1553–58). Their place of residence in exile—in Martin Bucer's Strassburg and Calvin's Geneva—was not unimportant. Though their own Protestant commitments had predated their acquaintance with Calvin, they came to rally in exile to his religious banner and were later, after Mary's death, to help spread his ideas in Britain. Among those theorists three stand out: John Ponet, exiled bishop of Winchester, whose *A Shorte Treatise of Politicke Power, and of the True Obedience Which Subjectes Owe to Kynges and Other Civile Governours* was printed at Strassburg in 1556; Christopher Goodman, sometime Oxford don, whose treatise *How Superior Powers Oght to Be Obeyd of Their Subjects* was published at Geneva in 1558; and John Knox, a leader of the resistance in Scotland to Mary, Queen of Scots, and later the leading figure in the effort to spread the Reformed religion in Scotland. His *First Blast of the Trumpet against the Monstrous Regiment of Women, the Appellation . . . to the Nobilitie, Estates, and Commonalitie of Scotland* and *A Letter Addressed to the Commonality of Scotland* were all published in 1558.[52] It would be improper to overemphasize the differences among these three figures—all are in varying degree religious and sectarian in nature, they all exhibit elements at least of a coherent theory of resistance,[53] and it would be wrong, for example, to dismiss Goodman's work as no more than "a long and tedious sermon on the text 'We must obey God rather than man.'"[54] Of all the works of these Marian exiles, however, with their misogynist diatribes against Mary Tudor, their vituperative attacks on her Catholic bishops, and their flirtation with notions of tyrannicide and populist revolt, the most adequate as a theoretical formulation of a right to resist tyrannical rulers is unquestionably Ponet's *Shorte Treatise.*

That work is divided into eight sections or chapters, each addressing a separate political topic, with the sixth speaking most directly to the matter of lawful resistance to tyranny. This section is entitled "Whether It Be Lawfull to Depose an Evil Guvernour, and Kill a Tyrant." It is devoted in greater part to a defense of tyrannicide, with examples drawn from history, both sacred and profane. Tyrannicide, however, Ponet clearly regards as something of a last resort, for under normal circumstances it "cannot be maintened by Goddes worde that any private man maie kill." Unless, that is, the just punishment of tyrants having been "by the hole state utterly neglected, or the prince with the nobility and council having been compliant in it," that private man has "some special inward

commaundement or surely proved mocion of God," such as Moses had to kill the Egyptians.[55] All, however, is not lost. Ponet had earlier argued that in all Christian realms God had "ordayned meanes, that the heads, the princes and governoures should not oppresse the poore people after their lustes, and make their willes their lawes." In so doing, he had referred to the Diet in Germany and the parliaments in France and England in which all sorts of people were assembled and nothing could be done without the knowledge and consent of all.[56] And it is along this axis that he develops in the first part of the sixth section an argument for the legitimacy of forcible resistance on the part of a political community as a whole to a ruler turned tyrant, even, if need be, to the point of deposing him.

At the risk of portraying Ponet as a more coherent thinker than he was, it may help to note that the cogency of his resistance theory would appear to presuppose a prior commitment on his part to the three fundamental principles that inform his political thinking in general. First, the firm conviction that "all politicke power and autoritie . . . cometh from God," "the highest power, yea, the power of powers, so that all other powers are but his ministers." He it is, then, that "instituteth politike power and geveth authoritie to men to make . . . lawes."[57] Second, the belief that in so doing God left, however, to "the discrecion of the people" the choice of the form of government, whether monarchical, aristocratic, or mixed, under which they proposed to live. "The countrey, and common wealth," then, "is a degree above the king," and "men oughte to have more respecte to their countrey than to their princes: to the common wealthe, than to any one person."[58] As a result, and consent being thus the immediate (if not the ultimate) basis of political authority, "neither pope, Emperour, nor king may doo any thing to the hurt of his people without their consent." Indeed, in realms where "kinges and princes can not unmake lawes but with the consent of the people," the king cannot "break or dispense" with such laws. Otherwise, he adds, it would be in vain that parliaments or "solemn assemblies of the hole state" are called together.[59] Third, the further belief that, when it comes to the making of such laws or the passing of judgment on the rectitude of a ruler's behavior, God did not leave humankind bereft of guidance. For he "planted and graffed upon the mynde of man" (and later affirmed in the Decalogue and the teaching of Christ) the "lawe of nature" in which is "comprehended all justice." This is "the touchestone to trye every mannes doinges (be he king or beggar) whether they be good or evil" and to discern whether the positive laws men have made "be juste or unjuste, godly or wicked."[60]

These basic principles thus embraced, Ponet is well positioned to make an effective response when, in the sixth section of his treatise,

the question arises as to what recourse short of tyrannicide people have when it becomes clear to them that their rulers (the formulation he usually uses is “Kinges, Princes and other governours”) are palpably in breach of such God-given and rationally accessible norms of justice and have lapsed into tyranny, despoiling and destroying the people committed to their charge. Conceding that in Christian realms “there is no espresse positive lawe for the punishement of a Tyranne,” he turns to the historical record and adduces “the manifolde and continuall examples . . . of the deposing of kings and killing of tyrannes” as proof positive that that practice was “most true, juste and consonant to Goddes judgment.”[61] But if, as might be expected, he draws some of those examples from the Old Testament and from English history, he also evokes—and, more surprisingly, at greater length—the involvement of several popes in the deposition of kings, justifying that move (somewhat apologetically) by insisting that although the “autoritie of the pope be not lawfull, yet is the reason that moved them so to doo, honest and just and mete to be receaved and executed among reasonable creatures.”[62] And that provides him with an appropriate opening into the heart of the case he wants to make for the lawfulness of forcible resistance to and deposition of tyrannical rulers. Namely, the helpful precedent set by the conciliar movement in the church and the deposition of a pope and other papal claimants more than a century earlier by the Council of Constance. For “in the counsaile holden at Constance . . . in the yeare of our lorde 1415, were three popes popped out of their places.”[63] As we have seen the conciliar theorists also to argue, that he saw as having been effected not simply by virtue of some merely human law but in accordance with the law of nature itself. Similarly, although the canonists (mistakenly from Ponet’s point of view) saw the office of pope as being of divine origin, they also saw the person of the pope as having been chosen by man, that is, by “the Cardinals representing the universal churche.” As a result, his authority being grounded in the consent of that church, it could also be forfeited if the church, on the grounds of his malfeasance, chose to withdraw that consent.[64]

Hence, with the help of that precedent, which he clearly regarded as the one most pertinent to the case at hand, Ponet closed in on the conclusion he was aiming at. Namely, that “if it be lawfull for the body of the churche to depose and punishe a Pope, being the chief priest . . . crowned . . . with a triple crowne to shewe his Regalitie and power above all others, how much the more by the like argumentes, reasones and autoritie, may Emperours, kinges, princes and other guvenours abusing their office, be deposed and removed out of their places and offices, bi the body or state of the Realme or common wealthe.” Hence, too, in what amounted to an editorial appended to

that conclusion, he added that "by this lawe [of nature] and argumentes of the Canonistes and example of the deprivacian of a Pope, are all clokes (wherewith Popes, bishoppes, kaisers and kinges use to defend their iniquitie) utterly taken away."[65]

Though he was certainly familiar with at least one of John Mair's political writings,[66] in making the conciliar precedent something of a centerpiece in his theory of resistance, Ponet cited by name none of the fifteenth-century conciliar theorists or their sixteenth-century successors. Nor does he make anything of the fact that it was a council representing the entire church that actually did the deposing. Instead, he attributed that act simply to "the body of the churche," just as, in the temporal realm, he attributed the parallel power of deposition not to the parliament but to "the body or state of the Realme or common wealth." And that despite the fact that he had earlier ascribed to parliaments a role in preventing the abuse of royal power. Here, while it would be tempting to assume, as we did in the case of Almain, that Ponet simply took for granted that the task of deposing a tyrannous king should fall to a representative parliamentary body, it would, I conclude, be misleading to do so. In discussing the killing of tyrants by private individuals, it will be recalled, Ponet had had on his mind the unhappy possibility that "the nobility and council" might well be complicit with the prince in the abuse of power, and it was, after all, the English parliament under Mary Tudor that had passed the Catholic legislation that had driven him into exile. I believe, then, that Skinner is right to emphasize the radical nature of Ponet's position and to insist that he (along with Goodman, for that matter) made "a decisive break with the assumption—hitherto unquestioned by all the radical Lutherans as well as Calvinists—that a legitimate ruler, however tyrannical his actions, could only be lawfully resisted by another ordained magistrate." Whatever his scruples and reservations, then, and they were real, Ponet's conclusive position was one that can properly be labeled "populist and revolutionary."[67]

Populist and revolutionary it may have been, but it is not clear that it had much of an immediate impact. It is true that the *Shorte Treatise* was to be republished in the critical years 1639 and 1642 and that Ponet was to be cited in 1643 by the parliamentarian William Prynne.[68] But Prynne was also to cite John Mair, the latter's former pupil, the Calvinist humanist George Buchanan, and the great Huguenot resistance tract the *Vindiciae contra tyrannos*.[69] And all must have provided, I suspect, more grist for his ideological mill than did Ponet. All of them, after all, were more purely political and even secular in tone than were the works of Ponet and his fellow Marian exiles. The latter works were more obviously religious in their goals, reserving their most scathing vituperation for the Marian bishops and

defending the legitimacy of resistance to tyrants rather as a moral, even religious, duty than as a right.[70] For the more purely political approach, then, and for the more forthright defense of resistance as a right as well as a duty, we must look to the theoretical positions hammered out later on in the Scottish and French Calvinist diaspora amid the unforgiving turmoil of religious strife and sectarian revolt.

So far as Scotland is concerned, the outstanding work is the *Dialogus de jure regni apud Scotos* (*A Dialogue on the Law of Kingship among the Scots*), written probably around 1567 but published only (perhaps with some emendations) in 1579. It was written by George Buchanan (c. 1506–82), the celebrated Scottish humanist who, after living for some years in France and Portugal and embracing the Reformed faith, had returned to Scotland in 1560 in the wake of the successful Calvinist reformation of the Scottish church and then rallied polemically to defend the action taken in 1567 to depose the stubbornly Catholic ruler Mary, Queen of Scots.[71] Of great interest is the fact that he had been a student of John Mair's both in Paris and at St. Andrew's, and that he had admitted in his Catholic days, when interrogated by the Inquisition in Lisbon, to having been (presumably under his teacher's influence) a person of conciliarist convictions.[72]

Although there was no connection between the two men, J. W. Allen treated Buchanan's ideas in tandem with those of the Roman jurist Mario Salamonio (c. 1460–c. 1535), and Skinner, too, would appear to have sensed some commonality of spirit between them.[73] I myself would suggest, rather, though again there is no evidence of any direct connection between the two, that Buchanan can perhaps better be seen as pursuing a path that had something in common with Ponet's.[74] That is true enough certainly, so far as the substance of his political thinking is concerned. There is no question of identity in viewpoint, but the overlap is clear enough: the fundamental role both men ascribe to the natural law, their concomitant insistence on the fact that kings owe their authority to the consent of the people, that they are elected to promote the common welfare of that people, that their failure to promote that end and their pursuit instead of their own private interest means they have lapsed to tyranny, and that as tyrants they may legitimately be resisted and deposed by the whole people or, under certain circumstances, even be killed by a private individual.

So far as the form of Buchanan's work is concerned, however, as also the mode of argumentation he favors, Buchanan's *De jure regni* has as little in common with Ponet's *Shorte Treatise* as it has with the works of the other Calvinist resistance theorists whom the royalist William Barclay dubbed collectively as *monarchomachi* or "king-killers." Whereas those monarchomachs advanced their arguments in scholastic or quasi-scholastic mode, Buchanan's discourse is essentially

humanist in nature. It takes the form of a Platonic-style Socratic dialogue (with *Maetellanus*—Thomas Maitland—playing the role of straight man to Buchanan's would-be Socrates). It is essentially secular in nature, replete with a plethora of classical allusions, and marked by the elegant wordiness and argumentative flaccidity—ambiguity even—that so often accompanies the attempted revival of the classical dialogic form. This latter characteristic is evident in Buchanan's discussion of the difference between kingship and tyranny which forms one of the principal themes in the dialogue but which, despite its length, ends by clouding over the traditional distinction between tyranny *ex titulo*—referring to the tyrant who has usurped power—and tyranny *ex exercitu*—referring to the ruler where title to office is perfectly legitimate but who, by abusing his authority, has lapsed into tyranny.[75] It is evident, too, and perhaps more damagingly, in the occluded ease with which he slips away from his endorsement of a conventionalist, essentially Ciceronian account of the passage of men from a state of nature (in which they lived "a wandering, nomadic existence without laws or settled habitations") into political society, and in the direction of a quasi-Aristotelian understanding of political society as being natural to humankind. On this matter, "a certain tension . . . [persists] in Buchanan's analysis."[76] A similar tension is generated by Buchanan's ultimate lack of clarity concerning the role (if any) of intermediate, quasi-representative institutions in the expression of the ultimate political authority of the people.[77] And a further uncertainty surrounds the question of whether or not Buchanan, when he envisaged the authority of the people as being wielded by its "greater part" (*major pars*) was really thinking in straightforward quantitative, majoritarian terms or in terms of quantity modulated by quality—that is, in terms akin to the classically medieval *major et sanior pars* (greater and wiser part).[78]

These uncertainties have considerable interpretative consequences and have complicated the task of coming to a firm decision about just how radical or "modern" a thinker Buchanan actually was. While in relation to law-making he certainly evokes the idea of institutional mediation of the people's legislative authority and appears to at least toy with the notion of virtual representation, inferior magistrates play no role in his argument for the right of the people to resist a tyrant. Skinner is correct, then, as he was in the case of Ponet, in ascribing to him a radically populist doctrine of revolution.[79] It is less clear, however, that he is altogether correct in understanding that doctrine as "a highly individualistic and even anarchic one."[80] Buchanan, it is true, is perfectly clear on the point that the tyrant being "the public enemy, with whom all good men are constantly at war," it is "the right not only of the people as a whole but also of individuals to kill

him."[81] But he also envisaged the authority of the people as being wielded by its "greater part," and despite the swinging of the interpretative pendulum on what exactly that means, that pendulum seems to have come to rest on Salmon's conclusion that "just as it is wrong to attribute a doctrine of elitist representation to Buchanan, so also is it mistaken to read into him the Lockean conception of a quantitative majority."[82]

No such uncertainties bedevil the interpretation of the French Huguenot monarchomachs whose political commitments are unambiguously corporatist. So far as the development of the political views regnant in the world of the French Calvinist diaspora is concerned, the crucial turning point was the St. Bartholomew's Day massacre of 1572 and the further massacres of Huguenots associated with it. The premature death of Henry II in 1559, the instability attendant upon the fact that his two immediate successors were minors, the inevitable jockeying for power by aristocratic factions during the regencies that ensued, the fragmenting effect of growing confessional differences—all of these developments had led during the 1560s to a decline in effective royal authority and to a fateful drift into the open religious warfare that was to plague France right down to the end of the century. In those early years, the Huguenots, led by the Prince de Condé, had argued that the Guise family, relatives of Francis II's wife, Mary Stuart, had reduced the king and queen to a sorry state of effective captivity; in effect, they had usurped the government of the realm. Their own resort to armed violence, then, the Huguenot faction justified as an attempt to set the king and queen once more at liberty and to restore the legitimate government.[83] The tracts they wrote at the time rejected, accordingly, any accusation that they were being disloyal to the French crown and took somewhat uneasy refuge behind the fiction that they were acting in defense of the legitimate royal government against the illegitimate intrusions of Guise power. As the 1560s wore on, however, that fiction proved increasingly difficult to sustain. After the St. Bartholomew's Day massacre and affiliated killings of Huguenot leaders and followers alike, it proved utterly impossible to do so. Ordered by the king himself and supported by other members of the royal family and accounting for as many as ten thousand deaths in cities right across France, those massacres and targeted assassinations could not be explained away as simply the outcome of spontaneous mob violence. As a result, they had a shattering effect upon French Protestants and their allies in other countries, "ending forever" their hope of winning all of France to their cause.[84] The best they could do if they were to avoid being totally crushed by the superior military resources at the disposal of the government and its Catholic sympathizers was to find

ways and means of reaching across the religious divide and attracting to their own beleaguered cause *politique* groups which while not themselves Protestant had their own reasons for being bitterly opposed to the currently regnant governmental authorities. Hence the emergence during the years that followed upon 1572 and in the flood of Huguenot pamphleteering in the wake of St. Bartholomew's Day of a mode of political writing that inhabited somewhat different ideological territory than the repeated diatribes against the Guise faction that had characterized the Protestant polemical literature of the decade preceding.

Among the various Huguenot tracts produced around 1572 the anonymously authored *La Reveille Matin* and *Discours politiques* have competed among twentieth-century commentators for the designation of "most radical" among the multiple polemical responses to the massacres of that year.[85] But, by more or less general agreement, the most influential of those responses were the three treatises contributed by a celebrated triumvirate of Huguenot resistance theorists: François Hotman, author of *Francogallia* (1571), Theodore Beza, author of *Du droit des magistrats* (*Of the Right of Magistrates,* 1574), and the *Vindiciae contra tyrannos* (*A Defence of Liberty against Tyrants,* 1579), a work of anonymous authorship but usually, if not definitively, ascribed to Philippe du Plessis Mornay.[86]

Testimony to the fact that these works reflected the urgency of the Huguenot need to reach out beyond their own narrow and beleaguered sectarian base and to garner the support of the moderate *politiques* among their Catholic fellow countrymen are two features characteristic of all three of these works, as also of other Huguenot tracts of the period. First, the degree to which they move to bracket the more "populist" or insurrectionary elements in the legacy of Calvinist political thinking[87] so evident in the resistance theories developed earlier on by their English and Scottish predecessors. Second, the degree to which they seek to ground their own more cautious and "constitutionalist" theories of resistance in distinctly nonsectarian and even quite secular assumptions and arguments. Thus, pertinent to the former characteristic feature is their fairly consistent aversion to tyrannicide or to the idea that the whole body of the people, let alone private individuals, could resist tyranny by force. In the case of an illegitimate ruler, a tyrant *ex titulo,* both Beza and the author of the *Vindiciae* concede that private citizens can rightfully resort to force to drive out that ruler.[88] In the case of a tyrant *ex exercitu,* however, the situation is quite different. In that case, private persons (or even the people as a whole), if they lack authorization from the lesser magistrates or representative estates, "have no other remedy but penitence and patience joined with

prayers." As the *Vindiciae* puts it, "Since God has not handed the sword to private individuals, so he does not demand use of the sword from them."[89]

In relation to the second characteristic feature, these Huguenot theorists proceeded along two tracks, both of them predominantly secular in nature, but the first of them fundamentally historical in its orientation, whereas the second inclined more clearly to the philosophical.

Thus the first of these tracks involves the attempt to ground a theory affirming the legitimacy of resistance to tyranny in positive human law, in the fundamental laws and legal practice embedded in the French national tradition and paralleled in some measure in the legal practices and constitutional norms of other European countries. What was involved, in effect, was an attempt "to build on the constitutionalism . . . [prevalent in] the 1560s and to remodel it in a more revolutionary style." "The earliest major work to employ this approach" was Hotman's *Francogallia,* while its impact is less exclusively but still clearly evident in Beza's *Du droit des magistrats* and in the *Vindiciae.*[90] In the very opening words of his treatise, Hotman states that it is his purpose "to examine the institutions of our Francogallia with the aim of serving our own."[91] That statement is an accurately programmatic one. His is an essentially humanistic historical effort to investigate, recover, and describe in narrative form the ancient constitution and public law which (as his very title suggests) he saw as stretching back continuously to the late Roman era when the culture of the Gauls came to blend with that of the invading Franks, thereby shaping an identity that was recognizably French. But his treatise was also something more than that. While he made no explicit attempt to apply the lessons drawn from that national history to the present discontents of his own day, he clearly saw those lessons as in some sense normative for the contemporary French scene. He was willing, accordingly, to massage the historical evidence in order to strengthen the plausibility of such a view, and he opened himself thereby to criticism from historians of royalist sympathies. Thus he placed unwarranted emphasis on the claim that the ancient French monarchy was elective in nature and insisted (implausibly) that even after the subsequent inroads made by the principle of heredity, features testifying to the persistence of elective forms had persisted down to the present. Dismissing the contemporary judicial *parlements* as a "spurious Senate" which had usurped the powers rightfully pertaining to representative bodies,[92] he similarly placed great emphasis on the allegedly central role that the modern Estates-General had played in the government of France. He saw it, indeed, as embodying in the present the powers wielded from time

immemorial by a form of "public council" (*concilium publicum*) representative of the entire population. For "the highest administrative authority in the kingdom of Francogallia lay in the formal public council of the nation, which in later times was called the assembly of the three estates." Vested in it on a continuing basis, he bluntly affirms, was "the appointing and deposing of kings; . . . matters of war and peace; the public laws; the highest honours, offices and regencies belonging to the commonwealth," and so on—power, in effect, over "all those issues which are now commonly called affairs of state."[93]

All of this is unfolded along a scholarly-cum-historical axis. In contrast, Beza's *Du droit des magistrats* is very much a tract for the times, a work of political analysis intended to help shape events. But it is a matter of historical record that when, in 1573, he was writing his tract, Beza consulted Hotman at Geneva, and Franklin has suggested that "Beza's *Right of Magistrates* . . . may . . . be considered as a systematic transformation of Hotman's reflections on the ancient constitution into a general constitutionalist doctrine of the state," one that assumed the derivation of political authority from popular consent and, therefore, its revocability, and one that underpinned a theory of resistance which, while drawing on earlier Lutheran and Calvinist resistance doctrine, "was more systematic and detailed because" in recognition especially of the perils confronting the beleaguered Huguenots, "it was much more deliberate and cautious."[94]

In framing that doctrine, while still evoking the witness of the historical record and adducing arguments based on the positive law and constitutional practices of France and of a whole array of other European kingdoms, Beza also pointed in the direction of the second, alternative, more fundamental and universal argumentative track that was to feed directly into the theory of resistance developed in systematic fashion in the *Vindiciae contra tyrannos.* It was a track, or so we will be arguing, long since carved out by the conciliar constitutionalists of the fourteenth and fifteenth centuries who, appealing to the dictates of natural law, had understood political authority to be grounded in the consent of the governed and revocable, therefore, by the decision of the people. And it was a track, too, that had been blazed anew, and of more recent years, by such late scholastic constitutionalist thinkers as the early sixteenth-century conciliarists Jacques Almain and John Mair.

The *Vindiciae* itself may be said to have constituted, in a sense, a sort of cachement basin wherein were collected so many of the arguments—Romanist, Lutheran, and Calvinist—pointing in the direction of the conclusion that a people could be credited with a right

of forcible resistance to a ruler turned tyrant. The Lutheran advocacy of resistance by "inferior magistrates" (itself indebted to the Romano-canonical legal tradition), Calvin's own emphasis on the role of "ephoral" agencies, along with the type of arguments deployed by Hotman and Beza—all of these are brought together, lined up, and put forth in somewhat more systematic fashion. The very sentence with which Mornay concludes his work may be said to constitute *in nuce* a helpful map both to the structure and to the substantive content of the *Vindiciae*. "Piety," he says, "commands us to keep the law of God and to protect the church; justice binds us to check tyrants and overthrowers of right and the commonwealth; and charity to succour and lend a helping hand to the oppressed."[95] Piety, justice, and charity, then. Under the heading of *piety* fall the first two "questions" of the tract, both of them religious in focus—namely, whether subjects must obey princes who command something against God's law, and whether it is lawful to resist a prince who wishes to abrogate God's law and devastate the church. To the first of which his answer is "no," and to the second, "yes." For he argues that king and people (the latter acting as a collectivity or corporation) have alike covenanted with God to be "the people of God" (the pertinent words he uses are *foedus* and *pactum*). The people as a whole (*ut universi*), therefore, are bound by stern religious duty and acting not as "a whole multitude, that monster with countless heads," but "through those agents [i.e., magistrates] who hold the people's authority in their possession . . . to coerce a prince who is commanding impiety or forbidding piety." Otherwise magistrates and people alike "sin grievously against the covenant concluded with God."[96] Similarly, under the heading of *charity* falls the fourth question of the tract, partly though not wholly religious in focus—namely, whether neighboring princes are permitted or obliged to come to the aid of subjects of other princes who are either being persecuted for the exercise of pure religion or oppressed by manifest tyranny. To which his answer is "yes."

Under the heading of *justice* falls the third and longest question, to which Mornay devotes almost twice as much space as he does to the other three questions combined. Constituting, then, the very heart of the tract, it makes the central case for forcible resistance that he is out to make. Grounded in the universalities of natural law thinking, the argument is buttressed by an "ecumenical" array of legal evidence garnered from the constitutional principles adhered to and the practices followed not only by a host of kingdoms stretching from ancient Israel and the Roman empire, to France and England, and from Poland and Hungary to Denmark and Sweden but also by that other great empire, the universal Catholic Church. And, in making that case, he does so throughout in a markedly secular fashion

designed, no doubt, to appeal across sectarian lines not only to sympathizers abroad but also to *politique* Catholic groups at home, the support of both of whom the beleaguered Huguenots now realized they so desperately needed. For it was *justice,* after all, not "pure religion" on which Mornay was now inviting everyone to focus.

His vision of politics, then is unfolded very much in scholastic fashion via questions, objections, and replies to those objections. And he addresses himself forthrightly to all readers, irrespective of the party, nation, or condition to which they belonged, provided only that they professed the Christian faith "whether they . . . [called] it papal or reformed."[97] He bases his position, then, not on the prescriptions of biblical revelation accepted on faith but on the mandates of natural law accessible to the right reason of all men. Thus he evokes the natural freedom of the people understood as antecedent to their establishment of kingship. He evokes, too, the qualified nature of their submission to royal authority and the mutually obligatory contractual arrangement which that submission presupposes.[98] Unlike the religious covenant described in the first two questions, the contract (*contractio*) envisaged in Question 3 is a secular affair, not one between God and the people but between the king, essentially a mere officeholder, and the people which precedes him and is ultimately greater than he is. That contract is not with the people *ut singuli* as a multitude of individuals ("that monster with countless heads") but (as was also the case with the first covenant of Questions 1 and 2) with the people *ut universi,* that is, the people in its corporate capacity acting as an organized collectivity.[99] Unlike the first covenant with God, however, it is a contract that creates reciprocal rights and duties. As the royal authority derives from the people and is instituted by the people in their corporate capacity, they retain the right, acting via their representative magistrates, to punish and correct severe royal malfeasance or an unambiguous breach on the part of the king of the contractual limits designed to protect the common well-being.

In advancing this case Mornay calls upon a variety of argumentative stratagems: the analogy of vassalage and the reciprocally binding feudal contract; corporative thinking and the Roman law governing wardship and co-tutorship;[100] the customary Calvinist but legally inspired emphasis on the constitutional role played by the ephors of Sparta. And so on. As he closes in, moreover, on the central question of the possibility of legitimate resistance to a ruler turned tyrant, he seeks to clarify that possibility by calling upon the equally traditional distinction between tyranny *ex titulo* and tyranny *ex exercitu.* As with Beza, and as we have seen, the former case presents no real difficulty; all, it seems, would agree that even the private individual could resist by force, if need be, a usurper who has

no legitimate claim to the power he presumes to wield. For Mornay, indeed, what is involved here is an obligation rather than a right. "Natural law (*jus naturale*) teaches us to preserve and protect our life and liberty." So, too, in effect, do the law of nations (*jus gentium*) and the civil law—all of them "command us to take up arms against these tyrants."[101]

It is the latter case of tyranny *ex exercitu*—tyrannical conduct on the part of a prince whose title is perfectly legitimate—that presents for Mornay, as it had for Hotman and Beza, the challenge that has to be overcome. And his approach to that challenge is a cautious one. He excludes not only any individual recourse to forcible resistance but also any sort of populist revolution involving the whole people acting as a multitude. Legitimate resistance to tyranny is certainly endorsed, but the duty of resistance falls upon the shoulders of those appointed leaders who, in virtue of their offices, represent the people. At one time that might have meant in France the Estates-General or the sort of "public council" about which Beza had written. But that is a matter on which, under contemporary circumstances, Mornay shows some reserve.[102] While it may well fall to an assembly of the Estates to depose a king turned tyrant,[103] so far as resistance to tyrannical rule in general is concerned, his emphasis lies rather on the role of the inferior magistrates, the "officers of the kingdom" acting in their capacity as representatives of the whole people, which is superior to the king.[104] For if the king himself "promises to care for the welfare of the commonwealth," so, too, do they, and if he breaks faith with that promise, they are no more absolved from their own oath than are "bishops . . . if the pontiff is protecting heresy or destroying the church." Just as a corporation (*universitas*) is superior to its agent, or a cathedral chapter, therefore, to its bishop, so, too, is the "ecumenical synod . . . superior to the pope." For that principle "the synods of Basle and Constance rightly established."[105]

And with that claim referring back to the constitutional dispositions of the medieval church Mornay points in the direction of his clinching argument placed strategically more or less at the end of Question 3. It is one he deploys in much the same way as had Ponet, Buchanan, Beza, and, for that matter, the anonymous author of the *Discours politiques.*[106] Namely, the invocation of the conciliar precedent which they all seem to have regarded as speaking *directly* and with great clarity to the case they wished to make. "If, indeed," he says,

> it is demonstrated by the reasoning of almost all the doctors, and by the decrees of councils—and by their very actions—that a council may by right depose . . . a pope who, for all that, boasts himself to be king of kings, and blazons the claim that he is superior to the emperor as the sun is to the

> moon, and who even arrogates to himself the authority to discharge kings and emperors at will, who then can still doubt that the public council of any kingdom may depose and discharge not only a tyrant, but also a king who is ruinous to the kingdom on account of his madness.[107]

And with that clinching argument, he rests his case.

It was to prove to be an influential one, and not only in France. The direction of recent scholarship, with its emphasis on the long-standing presence in the Netherlands of a robust constitutionalist tradition rooted in the political heritage of the Dutch provinces and essentially indigenous in nature, suggests, it is true, that it would be unwarranted to place too great an emphasis on the role played by French influence on the political thinking associated with the late sixteenth-century Dutch revolt against the rule of Philip II of Spain.[108] But, as J. H. M. Salmon's *French Religious Wars in English Political Thought* makes so very clear, in the case of English constitutionalist and revolutionary thinking in the seventeenth century, it would be hard to overemphasize the impact of these Huguenot arguments for the legitimacy of resistance to tyrannical rulers.[109]

To the latter point we will return later in this chapter, but not without first noting that across the Huguenot revolutionary legacy the shadow of the Weberian portrayal of Calvinism as itself a species of revolutionary ideology has cast a stubbornly lengthy and regrettably obfuscatory shadow. Thus in relation to that Huguenot ideology we hear of the "inner wellsprings of energy" (*innere Kraftsquelle*) driving political Calvinism, of its vitality when compared with the unsuccessful efforts of late medieval conciliarism, of its "anti-monarchic spirit" contrasted with the "out of touch" "political conceptions of late scholasticism" (allegedly "abandoned" in the course of the fifteenth century), of its status as "a new and revolutionary ideology," one of the "startling innovations" of the sixteenth century and "an integral part of modernization."[110] My own sympathies, however, align rather with the alternative interpretative tradition, an older one going back to George De Lagarde and J. W. Allen that has, of late, been given so forceful and eloquent an expression by Quentin Skinner.[111] Overenthusiastic evocations of "the priesthood of all believers" and the "democratic" spirit of political Calvinism to the contrary, it takes little more than a nodding acquaintance with the constitutionalist tradition of the late medieval scholastics (and especially as expressed by conciliarist thinkers ranging from John of Paris in the early fourteenth century to Almain and Mair in the early sixteenth) to recognize that there was little distinctively Calvinist, indeed, little unambiguously Protestant, about the resistance theories developed by these late sixteenth-century Huguenot monarchomachs.[112] Noting in 1978 that "the study of

radical politics in early modern Europe has for some time been dominated by the concept of the 'Calvinist theory of revolution,'" Skinner argued that "strictly speaking no such entity exists." "The suggestion that the theories laying behind the rise of radical politics were of distinctively Calvinist character," he properly insisted, "only remains plausible so long as we ignore the radical elements in civil and canon law, as well as the whole tradition of radical conciliarist thought stemming from d'Ailly and Gerson at the start of the fifteenth century." And John Mair, teaching at Paris half a century before George Buchanan in Scotland and the Huguenot monarchomachs in France (he numbered among his pupils John Knox and John Calvin as well as Buchanan himself), had already arrived at "a fully secularized and populist theory of political resistance" and had acted "as a direct channel through which [the ideas of such as Ockham and Gerson] passed into the age of Calvinist revolutionaries."[113] True enough, but when we turn, as now we must, to the political thinking of early seventeenth-century England in the decades leading up to the mid-century onset of revolution and civil war, we should not overlook the fact that such modes of access to the political thinking of late medieval conciliarist constitutionalists had now come to be multiplied.

The Venetian Interdict, the English Oath of Allegiance Controversy, and the Renewed Interest in Conciliarist Political Thinking

The remarkable vogue of conciliarist ideas in early seventeenth-century England is not to be taken for granted.[114] Nor is their influence explicable simply by reference to the wide circulation of the monarchomach tracts of the previous century. Notably responsive to the conciliar precedent the latter had certainly been—so much so, indeed, that the English royalist David Owen writing in 1610 could berate Theodore Beza for endorsing the idea that "as a generall councill is above the Pope, so the Kingdome or the Peeres of the Land, are above the King."[115] But during the classical era of conciliarism England itself had produced no conciliar theorists of note. Nor had English prelates played a leading role at either Constance or Basel. And at the French-inspired *conciliabulum* of Pisa (1511) they had played no role at all. Fifteenth-century English churchmen had certainly had access to the conciliarist publicistic literature of the day and appear to have exhibited a certain preference for the principal conciliar writings of Pierre d'Ailly and Jean Gerson.[116] But it was to be a long time before conciliarist literature and the memory of the

fifteenth-century councils began to loom at all large in the English ecclesiastico-political consciousness. In any attempt to explain when and why it eventually did, two major developments in English history must necessarily bulk large. The first, occurring in the late 1520s and early 1530s, was the highly fraught matter of the validity of Henry VIII's marriage to Catherine of Aragon and the king's urgent wish to have the pope declare that union null and void so that he could proceed in good conscience to marry Anne Boleyn. The second was the Gunpowder Plot of 1605, the subsequent outburst of interconfessional controversy, and the great outpouring of polemical literature concerning the government's effort in 1606 to require all English Catholics to take the Oath of Allegiance to the king. These two episodes we will address in turn.

In the early 1530s, confronted by papal foot-dragging on the requested nullification of his marriage, Henry had begun to consider the wisdom of appealing from what threatened to be a negative papal decision to the judgment of a future general council. It was no accident, then, that during Reginald Pole's successful mission to secure from the theologians of Paris a satisfactorily supportive opinion on the marriage question the members of the English delegation, especially Edward Foxe, Thomas Starkey, and John Stokesley, "showed a great deal of interest in individual conciliarists and conciliarist ideas." Stokesley met with none other than John Mair, still the leading Parisian theologian of the day, and a *librum conciliorum* was acquired for Edward Foxe, who was later to fold conciliarist arguments into his *Collectanea satis copiosa.*[117]

When in November 1533, and in the wake of the publication of the papal sentence excommunicating him, Henry finally committed himself publicly to an appeal to a future general council, a propaganda campaign was launched with the object not only of wringing tactical advantage from the legal maneuver itself, but of reinvigorating the conciliarist tradition, acquainting English people with its central claim concerning the superiority of council to pope, and stimulating a degree of sympathy with that claim. To that effect, sermons were to be preached in the parish churches of England and copies of the king's appeal circulated.[118] That campaign met with some success. There ensued something of an efflorescence of tracts expressing conciliarist or quasi-conciliarist sentiments.[119] Not all of those tracts, moreover, are to be attributed to government propagandists responding to the shifting imperatives of royal policy. The propagandistic label, certainly, cannot be attached to the views of Christopher St. German, author of the most distinguished of Tudor legal treatises, nor, for that matter, to those of Thomas Starkey, or, least of all, to Sir Thomas More himself. More was not destined to be

the last of those in England who rejected the royal supremacy over the English church but still contrived to embrace one or other version of the conciliarist ecclesiology.[120] Nor, at least from the time of the conciliarist flurry of the 1530s onwards, did English churchmen who had accepted the breach with Rome lose sight of the nature of the constitutional revolution that the council fathers had threatened at Constance and Basel when they took their stand on the affirmation of the jurisdictional superiority of council to pope that was central to the strict conciliar theory.

To that theory, then, and as we have seen, John Ponet, exiled bishop of Winchester was to make lengthy appeal in 1556. Seven years later, in the first English edition of the celebrated work that he, too, had begun to assemble in continental exile during the reign of Mary Tudor, John Foxe, the great English martyrologist, devoted much attention and space to the histories of Constance and Basel. Among other things, he reproduced in English translation much of the language of the superiority decree *Haec sancta* as well as a (rather uneven) translation of extensive material drawn from Aeneas Sylvius Piccolomini's pro-conciliar *De gestis concilii Basiliensis Commentariorum.* His excerpts included Aeneas's report of an important speech delivered at Basel by Alfonso Garcia, bishop of Burgos and ambassador of the king of Castile. Drawing the analogy between kingdom and church and concluding for the subordination alike of king to kingdom and pope to church, that celebrated speech argued for the power that resided in both kingdom and church to correct and depose their respective rulers should they lapse into tyranny.[121] In a French translation, Aeneas Sylvius's rendition of that speech was to be embedded in the *Maximes du droit politique français* which the "judicial Jansenists" Nicholas Maultrot, Claude Mey, and others published in 1772 and which has been described as a "massive summa of patriot constitutionalism."[122] Similarly, in Foxe's English version, it was not only reproduced by the great English divine Richard Hooker at the end of the sixteenth century and by the parliamentarians William Bridge and William Prynne in the 1640s but also invoked in 1628 by Sir Dudley Digges (the Elder) in the course of a House of Commons debate concerning the nature and limits of the royal authority.[123]

Given the enduring popularity of Foxe's *Book of Martyrs*—it was frequently reprinted and copies kept along with the Bible at the pulpit in many an English parish church—it must have done more to draw attention to conciliarist ideas and the dramatic deeds done at Constance and Basel than anything else since the royal flirtation with conciliarism in the 1530s. It comes as no surprise, then, to find Thomas Bilson (later bishop of Winchester) devoting so much attention to the doings and teachings of the councils of Pisa,

Constance, and Basel or to encounter the marked degree of familiarity that the learned Anglican controversialist Matthew Sutcliffe (d. 1629) showed with the writings of such prominent conciliarist sympathizers as Nicholas of Clamanges, Pierre d'Ailly, Jean Gerson, Francisco Zabarella, Nicholas of Cusa, Panormitanus, Aeneas Sylvius Piccolomini, and Jacques Almain. That familiarity was on prominent display not only in his *De conciliis* and other Latin writings intended presumably for a learned and international readership but also in his English writings intended for broader domestic consumption. In those latter writings he insisted that until the time of Leo X and the Fifth Lateran Council (1512–17) "it was commonly holden that the government of the universall church was aristocraticall, and not monarchicall" and that "for a thousand four hundred years" no church believed "that the Pope is above all generall councels."[124]

If the examples of Bilson and Sutcliffe are not altogether aberrant, it seems reasonable to infer that by the beginning of the seventeenth century English churchmen had better access to, and (ironically) had come to be better acquainted with, the history of the fifteenth-century councils and the conciliarist literature connected with them than was the case with their Catholic predecessors in the early years of the previous century. But if the events of the 1530s and the direction of royal policy at that time had done something to promote that acquaintance, the stimulus afforded thereby to the English interest in the conciliarist tradition was utterly dwarfed by the later stimulus generated during the early years of the seventeenth century by a dramatic series of events occurring in three countries and by the enormous ideological fallout that ensued.

That series of events got under way with the English Gunpowder Plot in November 1605. That event stimulated, in turn, the move made by parliament in May 1606 to impose on Catholic recusants an Oath of Allegiance requiring them to reject as impious and heretical the doctrine that kings excommunicated by the pope might lawfully be deposed by their subjects. Almost immediately thereafter, Pope Paul V allowed to go into effect the sentences of excommunication of the Venetian doge and senate and of interdict on all Venetian territories that he had promulgated in April 1606. That interdict was to remain in effect until April 1607, and for Venice, the decade and more ensuing was to be characterized by political insecurity and ideological tension. The continuing turmoil occasioned by these contemporaneous events in England and Venice, moreover, was exacerbated four years later when a Catholic assassin ended the life of Henry IV of France and, again, in 1614–15, when at a meeting of the French Estates-General the Third Estate attempted to impose on churchmen, royal officials, and others an oath portrayed by its

opponents as modeled on the earlier English Oath of Allegiance.

None of these events occurred in a vacuum, whether historical, ecclesiastical, or political. All were responsive in complex and specific ways to the intricate particularities of time and place. Into those historical particularities, however, we cannot enter here. We must focus, instead, on the central factor serving to link together the events unfolding in London, Venice, and Paris. And that factor was what appeared to be the growing threat posed by the papal claim to a power of intervention in the temporal affairs of the secular states of Europe—even if presented now in the more modern or fashionable guise of a power portrayed as merely indirect. The outcome in all three centers of discontent was a huge outburst of controversialist writing. Much of that writing sought to cut the papal pretensions down to size and came in the end to involve not only the distinguished Venetian historian, theologian, and propagandist Paolo Sarpi, the syndic of the Sorbonne Edmond Richer, and the former Huguenot Jacques Davy, Cardinal du Perron but also Cardinal Bellarmine and none other than James I of England himself. The story of this great outpouring of publicistic literature is at once intricate, fascinating, and as yet not fully integrated into our standard historical narratives. But, for our purposes, it must suffice to emphasize four of its dominant characteristics. First, its astonishing dimensions and extremely high profile; second, the degree to which it developed into a complexly interrelated, Europe-wide phenomenon;[125] third, the progressive convergence of the Venetian and Gallican controversies on the English Oath of Allegiance, "the principles contained in it, or the royal writing in its defence";[126] fourth, the extent to which it helped disseminate conciliarist writings in France, Venice and, above all, in England and contributed to a refurbishment of conciliarist principles and enhanced the reputations especially of such conciliarist theologians as John of Paris, Pierre d'Ailly, Jean Gerson, Jacques Almain, and John Mair—in effect, the reputations of the "Sorbonnists" or "divines of Paris" as they came to be called in England. This last effect proved to be so marked a feature of the great ideological battle concerning the reach of the pope's authority that was to last from 1606 on into the early 1620s as to constitute the second of what I have called ideological relay stations, picking up and clarifying the conciliarist signal and transmitting it forward in amplified form to future generations.

While it is this last characteristic that must concern us here, I can do no more than illustrate the widespread currency that conciliarist ideas enjoyed in England at this time. Presupposed by all of this was the ready availability of the pertinent works of the conciliar theorists —especially those of the "divines of Paris" who, though they were not

the only ones mentioned by English authors, were by far the ones most frequently cited. Here Edmond Richer's publication in 1606 of the complete works of Gerson was clearly pivotal, for he folded in with them the most important conciliarist writings of d'Ailly, as well as those of his sixteenth-century successors, Almain and Mair. Richer's was the edition to which du Perron drew attention in his celebrated *Oration* of 1614, identifying it as the source to which "the Maisters of the King's retinue in the Parliament of Paris do remit and refer their Readers, to understand what be the batteries and strongest defences of the Iurisdiction Spiritual and temporal [i.e., against the pope]."[127] Moreover, only five years after the appearance of Richer's edition, and as the controversy over the papal indirect power continued to ramify, the Calvinist writer Melchior Goldast published the first volume of his influential three-volume collection of tracts, the *Monarchia S. Romani Imperii.* That collection included, along with William of Ockham's *Dialogus* and a host of other works, John of Paris's proto-conciliarist *Tractatus de regia potestate et papali,* several of Gerson's and Almain's conciliar tracts, Richer's own Gallican (and conciliarist) *De ecclesiastica et politica potestate,* as well as Latin translations of such Venetian works (citing Gerson, Almain, and Mair and expressing conciliarist sympathies) as Paolo Sarpi's *Trattato del Interdetto della Santità di Papa Paolo V.*[128]

That pattern of translation without delay (and some of Sarpi's tracts found their way into English and French as well as Latin) reflected the rapid internationalization of the dispute. This whole process was very much advanced by the complex web of diplomatic links, intellectual affiliations, and mutual sympathies (much of it already in place) which joined together Venice, Paris, and London and imparted a certain cohesion to the anti-papalist cause. It also served to nourish in England as well as in Venice a heightened susceptibility to the attraction of traditionally Gallican commitments, so that during the years of the Venetian Interdict and its uneasy aftermath, Paolo Sarpi came to be regarded both as "some sort of republican Gallican" and as "an honorary member of the Church of England."[129]

With such an array of conciliarist literature readily available to them the English and Scottish writers, Protestant no less than Catholic, who for one reason or another contributed to the Oath of Allegiance controversy and its ideological spinoffs, tended to make the evocation of the conciliarist tradition their own. James I himself, insensitive it may be to the broader constitutionalist implications of the strict conciliar theory, was no exception.[130] Among other Anglican writers, the conciliar theorists and the history of the fifteenth-century councils were likewise discussed by Lancelot Andrewes, David Owen, Robert Burhill, and (with great frequency) John Buckeridge. Similarly,

among the Catholics, such discussions and citations may be found in the works of the archpriest George Blackwell, and of William Warmington, William Barclay, Roger Widdrington (i.e., Thomas Preston), William Barret, and John Floyd. And we may find them also in Richard Sheldon and Marc Antonio de Dominis, men who in the course of their lives crossed the Anglican-Catholic divide; in John White and Richard Field, Anglican divines who in this period published influential ecclesiological treatises not directly connected with the Oath of Allegiance controversy and in Robert Parker, a Puritan divine who did likewise.[131] Of course, in the early years of the seventeenth century (as also, for that matter, in the closing years of the sixteenth) the conciliarist tradition was invoked for a variety of reasons: with the object of documenting from unchallengeably Catholic testimonies the obvious corruption of the old church (thus Sir John Hayward, Richard Field), or of triumphantly underscoring the contradictions and instability characteristic of the Catholic doctrinal tradition (thus Bilson, Sutcliffe), or of debunking the idea that a pontiff who was himself capable of heresy and subject to conciliar judgment and deposition could presume to lay claim to a power of judging and deposing kings (thus Sheldon and James I himself). It was called upon, again, with a degree of genuine approval (and by those of Calvinist as well as those of Catholic sympathies) to help make the case for an ecclesiology of episcopalist or conciliar bent (thus Blackwell, Warmington, Widdrington, de Dominis), or, alternatively, to strengthen the case for a non-episcopal, synodal form of church government (thus Robert Parker and, quintessentially, Samuel Rutherford).[132]

Most significant among all of these invocations of the conciliarist tradition was its exploitation as the closest and most powerful precedent, constitutionally speaking, for the case the parliamentary constitutionalists began to make as the century wore on in their struggle with Charles I, his supporters, and his propagandists. In effect, the matter at hand. That difficult case they had to make in the teeth of royalist claims to the species of divine right authority which it had once been characteristically the privilege of the pope to claim and which had, in turn, helped stimulate the development of a distinctively conciliarist ecclesiology. The very pertinence of that ecclesiology to secular politics a whole series of seventeenth-century Anglican churchmen from Buckeridge, writing in 1614, to Bramhall, writing during the first civil war, were now attempting to call into question.[133] Thus Buckeridge, challenging the pertinence of the conciliar analogy to secular politics, argued that whereas the pope's position is founded on grace, the king's is founded on nature. As a result, while the pope can be called before a tribunal by which he can

"without doubt be deposed," no one, "the people being inferior to him," can judge, punish, or depose a king. Similarly Bramhall, writing thirty years later and conceding the general council's power to depose, also insisted that, pertaining as it did to the pope, that power pertained also to an *elected* rather than an hereditary ruler and was "grounded in a known [canon] law." In comparison, he noted, "the king's crown sits closer, the Council's power is greater, the like law is wanting."[134]

Such arguments, however, the parliamentarians brushed to one side, turning freely and without undue embarrassment to the case the conciliarists had made so powerfully two centuries earlier. They did so in the firm conviction (as William Bridge put it) that "Reason is good where ever we find it."[135] During the early years of the first civil war, then, when the opponents of Charles I were still pursuing the comparatively moderate goal of lawful resistance, it is hardly surprising that some of them—notably William Bridge, William Prynne, and Samuel Rutherford—should have chosen to deploy the conciliar precedent in much the same way as had their sixteenth-century monarchomach predecessors. So much so, indeed, as "to force the Royalist writers into a polemic, and thus . . . form a distinctive strand of the controversy over the right of resistance in the years 1642–1644."[136] Writing at that time, William Prynne could bluntly stipulate that "the Kingdome in Parliament Assembled is above the King, as a General Councell is paramount to the Pope," and it is not surprising that Figgis was later moved to advance the sweeping claim that the conciliar movement was to be credited with nothing less than having laid down "the lines which [constitutional] controversy took until Whiggism succumbed" in the eighteenth century to "the influence of Rousseau."[137]

Consent, Individualism, and the Contractarian Tradition

Figgis's claim is a characteristically bold one, and the hyperbole that marks it is no less real for being quite so beguiling. How convincing one finds that claim to be, of course, is likely to depend on what, precisely, one takes "Whig" to mean. On that matter, Figgis himself is clear enough. He takes it to denote "that body of opinion which is expressed in the writings of Locke and reflected in the Revolution settlement [of 1688]," and he clearly understands it as being decidedly "individualistic" in nature.[138] A body of thinking affiliated, therefore, with the contractarian tradition in political thinking that had risen to prominence in the seventeenth century and that was to

dominate the scene during the eighteenth. And what truly distinguishes that modern contractarian tradition running from Hobbes to Kant is the fact that it ascribes to the autonomous individual will "an importance . . . which never appeared before in the history of political philosophy," that it required "the implication of the individual in politics through his own volition," that it viewed the consent which alone legitimated political authority not simply as reflecting the will of the corporate community acting as a whole but as constituted "by a concatenation of singular acts of willing on the part of autonomous individuals."[139] Despite the confusing ambiguities undoubtedly attaching to the notion of will, and despite the divergent conclusions contract theorists like Hobbes and Locke drew from their emphasis on consent, that, or so Riley argues, provides "a thread which holds the modern contract tradition together,"[140] setting it off from the classical tradition in political thinking and setting it off also, it should be noted, from that great tradition of consent theorizing to which we have devoted so much attention and which, in one form or another, ran from the fourteenth- and fifteenth-century conciliarists on into the Protestant constitutionalist and resistance theorists of the sixteenth and early seventeenth centuries—French, Scottish, English, Dutch—as well as, for that matter, into their counterparts among the ideologists of the Catholic *Ligue* in France and among the Spanish writers on matters political, Jesuit as well as Dominican.[141] Among all the variations reflected in such thinkers, marked continuities there undoubtedly were, and we have placed great emphasis upon them. But they were not quite as seamless, it should now be conceded, as Figgis, it seems, would have us to believe.

In the previous volume of this series we dwelt at some length on the obscure and protracted process whereby practical consensual elements embedded everywhere in the customary arrangements of medieval life came gradually to be consolidated, refined, and articulated at the theoretical level.[142] And in the present volume we have analyzed in some detail the nature of the consent theories subsequently hammered out by a whole array of theorists ranging in time from the early fourteenth to the early seventeenth centuries. Having done that, it is now time to stand back from all the teeming and challenging detail and to try to grasp as a complex whole the development whereby Europeans came eventually to believe that the legitimation of political authority had to be sought in the free consent of a concatenation of individual wills. If we do that, the outlines at least of two critical and historic processes can, I believe, be discerned.

The first, on which we have dwelt at some length, is the process whereby doctrines of consent called into being by the practical exigencies of medieval juristic, political, and ecclesiastical life and

shaped by Romano-canonical corporational thinking connected in the later Middle Ages with a tradition of natural law thinking which had originated in the Hellenistic era and were nudged thereby along a line of theoretical development that was more abstract and philosophical in nature and more universal in its import. The second, a further process whereby the resulting synthesis came itself to be impregnated by Christian notions of moral autonomy, by an individualism and a voluntarism which were ultimately of biblical and patristic provenance but which, as we have seen,[143] had quickened in both the spirituality and juristic culture of the later Middle Ages. This second process was a more halting one and much more occluded in its unfolding than was the first. The searching exploration of the internal frontiers of the soul characteristic of late medieval spirituality, the firm grasp of a notion of selfhood that went with it, the concomitant emphasis on the role of the individual will in the encounter with the divine, and the parallel emphasis in moral philosophy on the notions of inward "consent, intention and good faith"—these things in themselves had not led in the Middle Ages to any immediate or thoroughgoing expression of the type of explicitly *political* individualism that, by the end of the seventeenth century, had risen to a position of such importance in the burgeoning contractarian tradition. Nor had the preoccupation with individual, subjective rights which we now know, *pace* older claims to the contrary,[144] was gathering strength from the twelfth century onwards, carried over unambiguously into the way in which contemporaries thought about political authority and its ultimate grounding. From William of Ockham, via Jean Gerson, Wessel Gansfort, and Jacques Almain, to Christopher Goodman and George Buchanan, that preoccupation certainly flickers at the margins of contemporary political thinking, but it certainly does not move to occupy the center or come to be fully integrated into theories of consent. Instead, where the notion of legitimation by consent did indeed come to the fore the predominant concern—as with d'Ailly, Almain, Mair, or du Plessis Mornay—remained with the consent of corporate communities, and that consent was usually taken to be expressed by representative institutions of one sort or another.

Only in the mid-seventeenth century, it seems, did a thoroughgoing transposition of the older tradition of consent theorizing take place. And while that transposition clearly responded to Christian notions of moral autonomy and to an individualism and voluntarism that were ultimately of biblical inspiration, it occurred only in the wake of the Protestant Reformation, and then after considerable delay. For it took place only when the travail of religious and civil unrest had helped generate on the English religio-political

scene and within one of the main branches of Protestantism an unambiguously sectarian impulse. And when that finally happened we witness, once again, as so often in the centuries preceding, the seepage of ecclesiological notions into the crowded realm of political discourse. But they were notions of different provenance than heretofore, and the precise process whereby they were transformed into secular political concepts is more difficult to discern.

Here it may help to call to mind once again the influential sociological typology that Ernst Troeltsch deployed long ago, when he distinguished between two persistent tendencies in the history of Christianity. These tendencies, while they remain interwoven in the actual course of historical events, can be teased apart conceptually and treated, Weber-style, as ideal types.[145] These Troeltsch called the "church" (or church-style Christianity) and the "sect" (or sect-type Christianity). By the church he meant the type of societal organization that reaches out to comprehend and to Christianize society as a whole and contrives to do so by manifesting a willingness to compromise with the mores it finds embedded already in society at large. It opts, accordingly, for infant baptism and chooses to forego the imposition upon its members of any standard of admission or moral code that the masses might well find too exacting to meet or too rigorous to sustain. As a corollary, it foregoes also any rigid insistence on the individual sanctity of its members and focuses instead upon its own institutional holiness as the locus of the regenerative working of the Holy Spirit. But while the "church" strives thus to include the masses, the "sect" resigns itself to excluding them. Its emphasis lies rather on the exclusivist rigors of moral striving. Setting as its goal the exacting moral ideal proclaimed by Jesus in the Sermon on the Mount, it is of necessity a voluntary society that eschews talk of institutional sanctity, stressing instead the subjective holiness of its individual members and seeking to protect the purity of their commitment by embracing adult baptism and imposing very strict criteria for admission into the fellowship of believers as also for continuing membership thereof.

While Troeltsch viewed the church-type as having been most purely realized and most coherently developed in the hierarchical Latin Catholic Church presided over by its papal theocrat, he also viewed "the mainstream of Christian development" at large (magisterial Protestant as well as traditional Catholic) as having flowed "along the channel prepared by the Church-type," with the sect-type classically exemplified in those dissident marginalized and frequently persecuted groups that we identify with the Radical Reformation.[146] And it was only when some of the Elizabeth Puritans had finally abandoned their earlier scruples in relation to the English

national church by law established and had come to think in terms of reform "without tarrying for any" that the sectarianism of the Radical Reformation began to make truly significant inroads upon one of the established strongholds of Protestantism.

Once it did so, it was destined eventually to leave its imprint not only on religious life in seventeenth-century England but also on the political thinking of the day. For it brought with it a very un-Protestant emphasis on the role of free will in the salvific process and, similarly, the idea of the church as a voluntary society of regenerate true believers who have entered into it "on the basis of conscious conversion," a restricted fellowship or sect that eschews talk of institutional sanctity, stressing instead the subjective holiness of the individual members and demanding of them the type of freely undertaken life commitment to which, as we have noted, the many may periodically aspire but only the few can long sustain. Hewing closely in their public no less than their private lives to the New Testament ethic at its most exacting and rejecting any attempt to draw from the Old Testament any norm governing their relationship with civil society, such sectarians, as Höpfl and Thompson have put it, came to interpret

> their churches as free and voluntary associations founded on covenant. And by a process that has yet to be fully explained, they appear, having compared their congregations to bodies politic, to have gone on to interpret bodies politic as if they were sectarian congregations. In so doing, they attributed to citizens, as natural rights, the rights of moral autonomy and self-government that they had demanded for themselves as members of the congregation.[147]

This appears to have been the route taken by the Levellers in the mid-seventeenth century during the turmoil of civil war and its aftermath. In embracing the view that the Levellers were indeed "applying to politics the religious practices of the sects," Wootton characterizes it as "the simplest answer" to such questions as why "they were prepared to go so far as to insist that no individual should be subjected to an authority that was not of his own choosing" or why "they were prepared to consider something close to democracy as a viable form of government."[148] In so doing, it is true, he emphasizes the difficulties standing in the way of an easy acceptance of that answer, and the route that the sectaries and (later) the Levellers followed in getting to their final position certainly remains difficult to chart. But it is the case that during the first religious war in France the Huguenot provinces had established political assemblies and sometimes came close to identifying the province with the regional church. It is also the case that they had debated the propriety of conceiving the governance of civil society on the analogy of the

governance of the Reformed church and that that debate had later carried over into England.[149]

As early as 1613 and 1616, accordingly, English Separatist writings witness to the fact that the process Höpfl and Thompson describe was already under way, with the "visible church" (itself a "Spirituall Body Politicke"), like "all Civill Corporations," being described as constituted by "free mutuall consent."[150] By 1638 John Lilburne, the future Leveller leader, had himself become a Separatist and was describing the visible church, in similarly sectarian fashion, as a voluntary society grounded in the free consent of its members. "By virtue of their . . . uniting and joining themselves together and to the other and so unto the Lord," those members "become a true-visible Church of Jesus Christ" with power "to choose, elect and ordaine" as well as "to reprove her own officers."[151] And by 1645–46, in the wake of the first civil war, Lilburne and his colleagues Richard Overton and William Walwyn had begun to apply the same individualistic, voluntarist, consensual, and implicitly contractarian model to secular political society.[152]

Thus, in the classic invocation of natural rights with which he opens his pamphlet *An Arrow against All Tyrants* (1646), Overton argues:

> To every Individuall in nature, is given an individuall property by nature, not to be invaded or usurped by any: for every one as he is himselfe, so he hath a selfe propriety, else coulde he not be himselfe, and on this no second may presume to deprive any of, without manifest violation and affront to the very principles of nature, and of the Rules of equity and justice between man and man; mine and thine cannot be, except this be: No man hath power over my rights, and liberties, and I over no man's. . . . For by naturall birth, all men are equally and alike borne to like propriety, liberty and freedome, and as we are delivered of God by the hand of nature into this world, every one with a naturall, innate freedome and propriety . . . even so we are to live, every one equally and alike to enjoy this Birthright and priviledge; even all whereof God by nature hath made him free.
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> . . . And from the fountain or root, all just humaine powers take their original; not immediately from God (as Kings usually plead their prerogative) but mediately by the hand of nature, as from the represented to the representors; for originally, God hath implanted them in the creature and from the creature those powers immediately proceed; . . . Every man by nature being a King, Priest and Prophet in his owne naturall circuite and compasse, whereof no second may partake, but by deputation, commission, and free consent from him, whose naturall right and freedome it is.[153]

Lilburne, moreover, and in similar fashion, argued that "God, the absolute Soveraigne Lord and King of all things," having endowed man his creature "with a rational soule or understanding, and thereby created him after his own image," made him lord over the rest of his creatures but not "over the individuals of Mankind, no further than by

free consent, or agreement, by giving up their power, each to the other, for their better being." For "all and every particular man and woman that ever breathed in the world" since the time of Adam and Eve, their progenitors, "are, and were, by nature all alike in power, dignity, authority, and majesty, none of them having any authority, dominion, or magisterial power, one over or above another, but by institution or donation, that is to say, by mutuall agreement or consent."[154] Hence his argument that when government threatens "their fundamental naturall Liberties" men are freed from the obligation of obedience; hence, too, his insistence (whatever precisely he meant by it) that all men, poor as well as rich, must have the right as individuals to vote;[155] hence, again, his role in framing the 1647 *Agreement of the People,* which Zagorin has argued was "a democratic constitution and much more." "It was also the reenactment of the real myth of the social contract, indeed, the very pact by which political society was to be created anew and England removed from the state of nature into which Lilburne believed she had now been dissolved." And removed, it should be added, by the free consent of every individual, for "men in a state of nature retain their natural rights entire, and can give up a portion of them only by their own consent."[156]

Lilburne, Overton, and the other Levellers were, of course, extremists whose ideas and programs proved to be evanescent. It was, indeed, to be three long centuries before the freedoms vaunted in the first *Agreement of the People* actually became a reality. Similarly extremist, though in a different fashion, was Thomas Hobbes who, in the same decade and via a somewhat different route, had broken through to a similarly individualistic and voluntarist conception of the grounding of political legitimacy—but placing it now in service of governmental absolutism and in opposition to the traditional constitutionalism which Lilburne sought to radicalize, simplify, and purify. John Locke, writing nearly half a century later, was to share the voluntarism and radical individualism that was central to the political thinking of both of these men. Unlike Hobbes, however, he contrived to wed it to the old constitutionalist tradition that had come down to him. At the same time, and in this unlike the Levellers, he clearly did not feel impelled to radicalize that tradition and to develop it in a more democratic direction.[157] And to say that, of course, is to say also that Locke, his individualism notwithstanding, stood somewhat closer than did they to that older tradition of consent thinking which, as we have seen, was medieval in provenance, had attained its most abstract and universal formulation at the hands of the fifteenth- and sixteenth-century conciliarists, had been mediated to the seventeenth century especially by the resistance theorists of the sixteenth century and the vigorous circulation of conciliarist ideas in

the early seventeenth, and was still finding notable expression in Britain during the civil war era in the conciliarist thinking of a man like Samuel Rutherford.

Epilogue

FOR REASONS LODGED DEEP in the occluded recesses of the national psyche, the execution of Louis XVI on January 21, 1793, has loomed much larger in the French imaginary than in its English equivalent has the trial and execution of Charles I a century and a half earlier. It has served, indeed, as a receptive screen onto which French historians, philosophers, and intellectuals at large, stubbornly wrestling with enduring questions pertaining to the national identity, have all too easily projected their own beliefs, fears, and yearnings.[1] And none, perhaps, so dramatically as Albert Camus. Thus, in *L'homme revolté* (*The Rebel*), he portrays Louis XVI as nothing less than a Christ figure. He was the "King-Christ" or "King-priest," the "representative [of God] in history." And his "assassination," striking a great blow at Christianity itself, symbolized nothing other than "the secularization of our history and the disincarnation of the Christian God."[2]

That the trial and execution of Louis, after a century and more of progressive desacralization,[3] did indeed finally give the quietus to "the royal religion" in France is not in doubt. As Bertelli has put it, "in the three minutes that it took for Louis Capet to descend the steps of his carriage" and proceed to the awaiting guillotine "a thousand years of the *religio regis* ended."[4] The grisly care with which the revolutionary authorities then proceeded to exhume and remove the millennial series of royal remains entombed in what amounted to a dynastic necropolis at the abbey church of St. Denis serves only to underline that fact.[5] But in the course of the *longue durée* pursued down through this three-volume series we have been at pains repeatedly to emphasize that that ancient "royal religion," far from residing at the very heart of the Christian tradition, stood in fact in a relationship of rivalry with it. For it stemmed from nothing other than the compromising accommodation which Christian thinkers of the late antique period had reached with the age-old and well-nigh universal pagan tradition of sacral kingship.[6] If, then, we were to speak of anything so far-reaching as the "secularization of history" itself, it would certainly not be with reference to the final demise of that "royal religion" but rather in connection with the teaching of the New Testament itself, as also with the nature of the later Augustine's

biblically driven reaction against the providentialist Christian optimism that in the course of the fourth century CE had become the theopolitical commonsense of the day. Behind that Christian pattern of thinking, destined to find an enduring home in the Byzantine consciousness and to leave its impress on the Russian political imaginary as well, lay the Eusebian accommodation with the Hellenistic variant of the archaic vision of sacral kingship. In accord with that accommodation, the Roman empire was viewed as fulfilling the biblical prophecies of old and its ongoing history understood as a sacralized one unfolding securely within the broader framework of salvation history itself.[7] Against all of that, with which in his earlier years he had not been without some sympathy, the mature Augustine, his thinking reshaped in the course of an intense encounter with the Pauline epistles, now sharply reacted. Almost alone among Christian writers and apologists he no longer saw either the conversion of Constantine or the earlier dawn of the Augustan era as pivotal moments in the providential unfolding of salvation history. Confining that sacred history of redemption, instead, to the biblical narrative itself and engineering a radical desacralization of Roman history, he envisaged the *saeculum* or present age as the last great age of man, an age at once homogeneous and "secular" that extended from the birth of Christ to his second coming and the end of time. And if in the centuries immediately ensuing his theology of history and all that went with it did not in its fullness succeed in carrying the day, it at least survived to inspire others later on who were moved to challenge the sacralized theopolitical status quo that had become characteristic of the early Middle Ages.[8]

The eleventh-century Gregorian reform was to constitute precisely such a challenge. As we have seen,[9] it involved nothing less than a frontal assault on the hitherto prevailing regime of "priest-kings and emperor pontiffs." And if, as we have also seen, it met with only qualified success, it did serve nonetheless to initiate a period in which the line dividing the realm of the sacred from that of the profane came to be drawn much more sharply than heretofore, one also in which that line came gradually to be moved in such a way as to enlarge the secular arena at the expense of the realm which could be labeled unambiguously as "sacred." In effect, and traditional talk about "the Age of Faith" notwithstanding, the high and later medieval centuries were to witness a process of secularization which, if halting and intermittent, was cumulatively progressive.[10] Umberto Eco's claim that it was "the Middle Ages" that "turned us into Western animals" can profitably be subjected to the further specification that it turned us into "Western *political* animals."

"Secularization," then, the notion may well be a commonplace, but

it, too, calls for further specification. It does so especially in virtue of the degree to which the unfolding of more recent history and the remorseless accumulation of empirical data has come to undermine the classic secularization thesis which stemmed as an ideology from the Enlightenment assault on religion and for which Durkheim and Weber alike, though in their differing ways, did so much to furnish the theoretical foundations. Into that whole vast, conflicted, and exceedingly intricate set of issues we cannot enter here. Our specific concern being the European or Western part of the puzzle, we may perhaps be permitted to bracket the destabilizing possibility that the very notion of "secularization" as we have traditionally construed it is itself a product or construct of "Western secular modernity" with no more than questionable applicability on a global, cross-civilizational scale.[11] And if we take that step, it should suffice to evoke the stark contrast between what the sociologist of religion Peter Berger had had to say in 1967 in his *The Sacred Canopy,* a classic statement of the traditional secularization thesis, and his later, rueful, and empirically driven concession in 1999 to the effect that the "whole body of literature by historians and social scientists loosely labeled 'secularization theory' is essentially mistaken."[12] Even those reluctant to concur in so sweeping a judgment have had perforce to concede that the very notion of secularization itself and the profusion of problematic issues attendant upon it are together far more complex than was imagined in the mid-twentieth century when the secularization thesis reached the apogee of its currency.[13] As a result, they have acknowledged also the necessity of bending their efforts to the task of sifting through the rubble of the original hypothesis in order to identify component parts to which some credence can still be given.

Among such efforts, and for our purposes, I believe that a particular pertinence attaches to that undertaken of recent years by the sociologist José Casanova. Unwilling to jettison the secularization hypothesis *tout court,* he notes, however, that in its more robust formulations it went so far as to postulate the privatization, marginalization, and ultimate decline or disappearance of religion as an inevitable concomitant of the process of modernization. But noting, too, that a mounting body of empirical data runs directly counter to that assumption, he has responded by teasing apart the disparate strands that turn out to have been woven together to constitute the classical thesis. Those strands became entangled in such a way that the actual historical processes of secularization came to be damagingly confused with "the alleged and anticipated consequences which those processes were supposed to have on religion." As a result, he says, "what passes for a single theory of secularization is actually made up

of three different propositions." The most fundamental of these, which he rightly views as the defensible core of the whole thesis, is "the conceptualization of the process of societal modernization as a process of functional differentiation and emancipation of the secular spheres"—especially the political—"from the religious sphere" and from the sway of essentially religious norms. Confusedly appended to this fundamentally "structural trend," however, are two subtheses which involve what are no more than contingent "historical options" but which claim, nevertheless, to explain "what will happen to religion as a result of" the core secularizing process. The first postulates that secularization entails as (inevitable?) consequence the decline of religion; the second, that it equally entails its marginalization, privatization, extrusion from the public sphere. But the unfolding of history, he goes on to argue, has already shown that neither of these claims or subtheses holds water or proceeds necessarily from the core process.[14]

The pertinence of this revised understanding of the secularization process to what we have had to say in these volumes about the inroads it had made already during the medieval centuries is altogether clear. What we have emphasized in relation to the medieval and early modern centuries has obviously nothing to do with the decline, marginalization, or privatization of religion, still less its extrusion from the public arena. Instead, we have been concerned to trace the differentiation of a secular political sphere from the realm of the sacred or, put differently, the process whereby the political came to be (at least in part) desacralized and comprehended no longer as something pertaining to the order of redemption. And, however ironically, we have also been concerned to make the case that that process of desacralization was itself religiously driven. That is to say, and as we have seen, that it was grounded ultimately in the impact of the biblical vision of God as one, omnipotent, and transcendent on the ways in which the realms of nature and society came to be understood. That vision of God was at odds with the primitive and archaic notion of an immanent divine continuum linking humankind with nature and the political order with the cosmic. As a result, it came across time to undermine the "cosmic religiosity," itself the very foundation for the archaic pattern of divine or sacral kingship and for the understanding of the political order as "the embodiment of the cosmic totality." And the desacralizing process involved was accelerated by the revolutionary New Testament separation of religious from political loyalties and by the demotion of the polis to the status of a merely secular entity.[15]

That complex process, of course, took an unconscionably long time to gain real intellectual and social traction, and it has not been

uncommon to portray the "secularizing potential" of the biblical vision as having been blunted or held back by medieval Catholic Christianity with its numinous sense of the world as a sacramental one, suffused with the sacred and punctuated by the miraculous, so that it was only with what Hegel called "the all-enlightening *Sun*" of the Protestant Reformation that we witness "a powerful re-emergence of precisely those secularizing forces that had been 'contained' by Catholicism, not only replicating the Old Testament in this but going decisively beyond it."[16] But, while recognizing with Berger the degree to which Protestantism, when compared with medieval Catholicism, did indeed involve "an immense shrinkage in the scope of the sacred in reality," our own findings underline the necessity of building also into the equation the sharp contrast between the religio-political realities and sensibilities of the early medieval centuries and those characteristic of the centuries following upon the Gregorian reform and the subsequent recovery of familiarity with the legacies of Greek, Roman, and Christian antiquity. Notwithstanding the continuing career of the "royal religion" during those later centuries, and however halting its progression, a process of desacralization had indeed set in. To the early medieval era in which "the sacred and profane had been almost inextricably intermingled," there later succeeded "a period of firmer boundaries and one in which they came progressively to be disengaged from one another."[17] With the Gregorian reformers the line between sacred and profane had been redrawn in such a way as sharply to separate clergy from laity and to treat kings as lay folk and nothing more. But with John of Paris in the early fourteenth century that line was now repositioned in such a way as to run right through the heart of ecclesiastical office itself, firmly dividing from its supernatural, sacramental dimensions the jurisdictional, governmental, and administrative aspects. The latter he described as pertaining not to the supernatural but to the natural, "ordinary condition of men," thereby enlarging the arena wherein the play of natural causes like community consent could be seen to take place. Little more than a decade later, anticipating in theory what was later to become a matter of practice in the Anglican, Lutheran, and (in some degree) Catholic state-dominated churches of the early modern period, Marsiglio of Padua withdrew that whole "natural" jurisdictional and governmental dimension of the church from clerical control altogether and assigned it instead to the secular political authorities.

One of the great themes running through the political thinking of the high and later Middle Ages, then, and evoked in the second volume of this series, is the gathering force of the desacralizing process confining the supernatural within narrower boundaries and

enlarging the arena within which natural reason and the operation of natural causes were reputed to hold sway. Evidenced in the latter chapters of this third volume, however, is the further point that that great theme of desacralization was accompanied during the later medieval centuries by another and complexly interrelated one. Namely, the marked degree of interaction from the twelfth century onwards between political and ecclesiological theories, the intricate interplay between attempts to theorize the nature of the secular polity and analogous attempts to theorize the nature of the universal church. The contraction of the realm within which the sacred was regarded as dominating, the secularization of what we would unhesitatingly call the "political," the concomitant desacralization of the jurisdictional aspect of ecclesiastical power—all served in critical respects to blur the distinction between the political and ecclesiological and to invite deployment in the realm of ecclesiology of secular legal and political arguments and the reciprocal adoption of ecclesiological arguments in the realm of secular political thinking. As we have seen, and especially so in this third volume, that reciprocal process was a marked feature of medieval thinking and almost equally prominent in the early-modern era, as the thinking of the English Separatists and Levellers makes so very clear. So marked a feature, indeed, that any attempt to write a history of political thought covering these centuries that contrives somehow to ignore it must inevitably be a severely truncated one.[18]

Of these two great interrelated themes upon which in the course of writing these three volumes we have been called upon repeatedly to attend, the former—that of the desacralization of the political—is the more fundamental, serving indeed as presupposition to the second. Had not the archaic unities been shattered, the lineaments of the social world teased out from the natural and both drained of the indwelling of the divine, and had not the political been finally extruded in the later medieval centuries from the order of redemption, political theorizing as we have come to understand it in the modern West would have been utterly inconceivable. Hence the overall title I have given to this series. Apart from the chronological qualification noted in the General Introduction, that title means precisely what it says. In the first volume we were at pains to emphasize the rectitude of Hobbes's intuition when he wrote of the Christian fathers as having filled up those old empty bottles of what he called "Gentilism" with the new wine of Christianity. It remains now only to affirm that he was equally correct in his judgment that that patristic accommodation with pagan theopolitical beliefs would prove in the end to be unsustainable. As the very tenor of his own philosophical system so powerfully attests, break those old bottles of Gentilism the new wine

of Christianity eventually did, and in the realm of what we are accustomed to calling the political, a new and distinctively Western world of thought supervened.

Notes

General Introduction

1. We are already fortunate enough, after all, to have available to us in English an impressive array of histories of medieval political thought, from the classic, multivolume work of the Carlyles, 1903–36, via the shorter accounts by McIlwain, 1932, Morrall, 1962, Ullmann, 1965, Monahan, 1987–94, and Canning, 1996, to the lengthy Cambridge History of Medieval Political Thought, 1988, an impressively scholarly collective effort. For these titles, see “General Accounts” in the bibliography.
2. Thus, in order of citation (all italics mine), Sabine, 1937, 159, Dvornik, 1966, 2:488, Morris, 1967, 166, McIlwain, 1932, 146, Morrall, 1962, 10–11. Cf. among more recent works, Canning, 1996, 127–28.
3. Notably Ullmann, 1961, 1965, 1966, 1969. For an extended analysis of his position, see Oakley, 1973, 3–48; reprinted in Oakley, 1999, 25–72.
4. Affirmed by John Stuart Mill in a classic statement that Gertrude Himmelfarb has described as “the very epigraph of modernity”: “Over himself, over his own body and mind, the individual is sovereign.”—Mill, 1985, 69. Himmelfarb’s characterization is to be found in the introduction to this edition at 29.
5. He did so, adding, “It is not surprising that we go back to that period every time we ask ourselves about our origins.”—Eco, 1986, 64–65.
6. Thus Bynum, 1987, 31. For the “mythology of prolepsis,” see Skinner, 1969, 22–24; reprinted in Tully, 1988, 44–45.
7. Skinner, “A Reply to My Critics,” 1988, in Tully, 1988, 231–88 (at 248). Cf. Dunn, 1969, 208, where, speaking very much to the point at issue here, he says, “To present a complex argument from the past in terms of its significance for us may often seem mendacious, and to present it with the greatest concern for historical specificity but without exploring its ‘significance’ is likely to seem trivial.”

8. For a further statement of my views on the matter, see Oakley, 2006b, 407–22. There I place a particular emphasis on the importance of the distinction between meaning and significance which the literary theorist E. D. Hirsch (following in this the promptings of Gottlob Frege, and Edmund Husserl) deployed in an attempt to dissipate the confusion that so often surrounds argument concerning the interpretation of texts. For my own evolving stance vis-à-vis the broader metahistorical debate concerning textual interpretation at large and the interpretative mode appropriate to the pursuit of the history of ideas, I venture to refer to Oakley, 1984, 11–40, and Oakley, 1999, 1–24, 333–41.
9. Skinner, "Meaning and Understanding in the History of Ideas" (1969), in Tully, 1988, 44–45.
10. Thus Bloch, 1964, 1:107: "In a world where hitherto the sacred and profane had been almost inextricably mingled, the Gregorian reform proclaimed both the unique character and the supreme importance of the spiritual mission with which the Church was entrusted; it strove to set the priest apart from and above the ordinary believer."
11. Thus Brown, 1982, 305–6, where he speaks further of the late twelfth and early thirteenth centuries as having seen "a brittle but unanswerable assertion of purely secular values" and "political power increasingly wielded without religious trappings."
12. See Oakley, 2010, 83–110.
13. Hegel, *Philosophy of Right,* trans. Knox, 1971, 12–13, where he had conceded that "philosophy always comes on the scene too late to give . . . instruction as to what the world ought to be."
14. Thus Monod, 1999, 77. The book is a fine analysis of the long drawn-out process of desacralization that overtook kingship during the seventeenth century.
15. This being the title of H. R. Trevor-Roper's contribution to *Crisis in Europe, 1560–1660,* ed. Aston, 1965, 59–95. Cf. the general statement at 5–58.
16. Monod, 1999, 6.
17. Ibid., 146.
18. For which, see Oakley, 2012, 185–219.
19. Cited by Worden, 1991, 456.
20. 1 Samuel 8:7. For the two conflicting accounts of the adoption of kingship by the Hebrews, see Oakley, 2010, 50–52.
21. See Worden, 1991, 472, where, in addition to Milton, the

republicans he has in mind are Marchamont Nedham and Algernon Sidney.

Prologue

1. Thus Wilks, 1964, ix. For related sentiments, see Morrall, 1962; Burns, 1988; Black, 1992; Canning, 1996.
2. Carlyle and Carlyle, 1903–36, 6:ix.
3. Black, 1992, 12.
4. Adopting here the helpful distinction that Lockyer, 1979, 202–3, draws between "traditions of argument or discourse" (implying "minimally a shared subject matter") and "traditions of thought" (which "minimally involve similar conceptions of man and the state, informed by shared moral or metaphysical beliefs, giving rise to a certain appropriate terminology").
5. John Dunn, 1994, 228.
6. Pocock, 2010, 144.
7. Worden, 1991, 443–75; Spellman, 1998, 103–34.
8. Worden, 1994, 45.
9. Cerfaux and Tondriau, 1957, 119–20. Cf. Oakley, 2010, 3 and 226 n3.
10. Thus, addressing the poststructuralists, Ferry and Renaut, 1990, 22, can speak of "the notorious theme of rupture." Pocock, 1975, too, places an analogous emphasis on discontinuity. Cf. the comment by Nederman, 2009, xviii–xix.
11. For which, see Foucault, 1970 (1966) and 1972 (1969).
12. Oakley, 1996, 60–110; reprinted in Oakley, 1999, 138–87.
13. Paying due attention, of course, to the conditions which Skinner, 1969, and Herméren, 1975, stipulate. Cf. Collingwood, 1945, 128.

Chapter 1. Historical Orientation

1. Miskimin, 1969, 25.
2. Jordan, 1996.

Chapter 2. The Politics of Nostalgia

1. For which, see Oakley, 2012, 6–14.

2. Ibid., 126–37, 195–207.
3. Headley, 1997, 197–246. Cf. Pagden, 1995, and Muldoon, 1999.
4. Capp, 1972.
5. Oakley, 2012, chs. 4 and 7.
6. Ibid., ch. 8.
7. For the general background to these developments, see Oakley, 1979, 38–79. We will return to them below in ch. 8.
8. No less than forty-seven manuscripts of the *Summa* of Augustinus Triumphus survive, and the work was printed in 1473, 1475, 1479, 1484, 1487, 1582, 1583, 1584, and 1585. See Ministerii, 1953, 111–15, and Wilks, 1964, 11.
9. Oakley, 2012, chs. 5 and 8.
10. The *Tractatus brevis de duplici potestate* is printed in Scholz, ed., 1903, 486–501. The *Summa de potestate ecclesiastica* was printed several times in the late fifteenth and sixteenth centuries. I give my references to the 1582 edition. For the *De planctu ecclesiae,* my references are given to the edition of Rocaberti, 1698, 3:23–264.

    Over the years a good deal of mythology has come to attach to the life and career of Augustinus Triumphus, though the sober appraisal of Ministerii, 1953, succeeded in dispelling much of it. For a very full appraisal of his thinking, see Wilks, 1964.
11. McIlwain, 1932, 287. For his succinct analyses of the *Summa* and *De planctu ecclesiae* see, respectively, 278–82 and 282–85.
12. Oakley, 2012, 207–19.
13. Alvarus Pelagius, *De planctu ecclesiae,* cap. 37, 40, 59; ed. Rocaberti, 1698, 3:46, 60, 175; Augustinus Triumphus, *Summa,* xx, 2, xxii, 3; ed. 1582, 122, 131–32.
14. Augustinus Triumphus, *Summa,* xxxviii, 4; ed. 1582, 227. Cf. ibid., xix, 3; ed. 1582, 119.
15. Wilks, 1964, 18.
16. Augustinus Triumphus, *Summa,* i, 3, and 4; ed. 1582, 5–7.
17. Alvarus Pelagius, *De planctu ecclesiae,* cap. 37 and 68; ed. Rocaberti, 1698, 3:47 and 267: "[*papa est*] non homo simpliciter sed quasi deus in terris." Augustinus Triumphus, *De duplici potestate;* ed. Scholz, 1903, 499; idem, *Summa,* i, 2, and 7; ed. 1582, 4, 10–11.
18. Alvarus Pelagius, *De planctu ecclesiae,* cap. 68; ed. Rocaberti, 1698, 3:247–48; Augustinus Triumphus, *Summa,* xxxv, 1, and xl, 3; ed. 1582, 206, 232.
19. See Tutino, 2010.

20. For the position of John of Paris, see Oakley, 2012, 207–19; for that of d'Ailly and Gerson, respectively, see Oakley, 1964, 40–51, Posthumus Meyjes, 1999, 278–82.
21. Oakley, 2012, 178–79.
22. From the world of Anglophone historical scholarship, see Tierney, 1982, and Pennington, 1984. The classic study of the controversy remains that by Congar, 1961.
23. Pennington, 1984, 188–89.
24. Oakley, 2012, 195–207.
25. Schulte, 1875–80, 2:194. "Es ist," he adds, "bis ins sechszehnte Jahrhundert hinein die Rüstkammer für die Kurialen Behauptungen gewesen."
26. Thus Augustinus Triumphus, *De duplici potestate;* ed. Scholz, 1903, 489–90. For a discussion of this and related subdistinctions, see Oakley, 2010, 104, 169–70.
27. *Tractatus brevis de duplici potestate;* ed. Scholz, 1903, 490.
28. Augustinus Triumphus, *Summa,* i, 1, iv, 1 and 2; ed. 1582, 2–3, 40–42. Alvarus Pelagius, *De planctu ecclesiae,* cap. 68; ed. Rocaberti, 1698, 3:248: "a papa tanquam a primo fonte descendat omnis jurisdictio, et episcoporum, et presbyterorum." Cf. Wilks, 1964, 31, 382.
29. Wilks, 1964, 376–77.
30. A point which James of Viterbo had stressed very forcefully a few years earlier. See Oakley, 2012, 129–30.
31. Augustinus Triumphus, *Summa,* vi, 1, and 6; ed. 1582, 56–57, 61–62.
32. See Izbicki, 1981, 76–77, and 62; Henn, 1998, 237, 247–48, 251–52; Schatz, 1990, 128–74.
33. Relying here on the analyses of Lewis, 1954, 2:430–505, Folz, 1969, 121–67, and Muldoon, 1999, esp. 87–113.
34. The text of the Golden Bull is printed in Zeumer, 1913, 192–214 (No. 148). Cf. Folz, 1969, 159.
35. The text was printed at Basel in 1553 and later by Goldast in 1614. My references to the Latin text will be given to the recent (1998) edition by Wilhelm Baum, which prints a German translation on facing pages. English translation in Izbicki and Nederman, 2000, 37–93. Woolf, 1912, 278–302, provides a careful summary of its contents. See also Posch, 1920; Folz, 1969, 93–96; Schmidlinger, 1978, 7–16; Black, 1992, 93–96; Novikoff, 2005–6, 144–57.
36. *De ortu,* proemium; ed. Baum, 1998, 12; trans. Izbicki and Nederman, 2000, 37.

37. *De ortu,* cap. 16; ed. Baum, 1998, 80–88; trans. Izbicki and Nederman, 2000, 68–72.
38. *De ortu,* cap. 21–24; ed. Baum, 1998, 114–34; trans. Izbicki and Nederman, 2000, 84–93.
39. *De ortu,* cap. 18—cf. cap. 17; ed. Baum, 1998, 96–98, and 90; trans. Izbicki and Nederman, 2000, 76–77, and 73.
40. Lewis, 1954, 2:444.
41. See Aegidius, *De regimine principum,* Lib. III, pars 2, cap. 3 and 4; ed. 1607, 456–60. Cf. Oakley, 2012, 121–22.
42. *De ortu,* cap. 13; ed. Baum, 1998, 58–60; trans. Izbicki and Nederman, 2000, 58.
43. *De ortu,* cap. 7–13; ed. Baum, 1998, 34–64; trans. Izbicki and Nederman, 2000, 47–61.
44. *De ortu,* cap. 15; ed. Baum, 1998, 70–78; trans. Izbicki and Nederman, 2000, 64–68.
45. *Ibid.*
46. *De ortu,* cap. 15; ed. Baum, 1998, 70–74; trans. Izbicki and Nederman, 2000, 65.
47. *De ortu,* cap. 15 and 18; ed. Baum, 1998, 78 and 94; trans. Izbicki and Nederman, 2000, 67 and 75.
48. Only stubborn Anglophone convention keeps alive the form *De monarchia,* which occurs in none of the surviving manuscripts and which appears to be an editorial invention. On which, see Shaw, ed., 1995, xlv–xlvi, and Cassell, 2004, 3 and 203 n1. In what follows my references are given to the edition in Shaw, ed., 1995, which reproduces with some emendations the critical edition by Ricci, 1965, and adds an English translation on facing pages. References to Dante's *Letters* are given to the Toynbee edition, 1966 (Latin and English on facing pages). For the *Convivio* I have used the critical edition by Simonelli, 1966, and the English translation by Ryan, 1989. Citations of the *Divina Commedia* are given to the Temple edition.

    In coming to terms with Dante's political thinking, I have relied mainly on Gilson, 1968, d'Entrèves, 1952, Reeves, 1965, Ferrante, 1984, Shaw, ed., 1995, xiii–xlvi (a first-rate introductory essay), Cassell, 2004, Davis, 2007.
49. Hollander, 2001, 3–7.
50. On which, see Ferrante, 1984.
51. Shaw, ed., 1995, xiii.
52. For an interesting discussion of that centuries-long tradition of commentary, see Hollander, 2007, 270–80.

53. Thus d'Entrèves, 1952.
54. Thus, e.g., Shaw, ed., xxxviii–xli; Cassell, 2004, 3–4, 203–4 n1.
55. Cassell, 2004, 3, 22, 40. Can Grande had incurred the ire of Pope John XXII by insisting, in the teeth of papal prohibition, on retaining the title of "vicar to the emperor" (*vicarius per sacrum imperium* or *sacri imperii vicarius*) which the emperor Henry VII had conferred upon him?
56. Cassell, 2004, 203–4 n1; Shaw, ed., 1995, xxxviii–xxxix. In *Monarchia* I, xii, 6, ed. and trans. Shaw, 1995, 30–31, Dante notes that he had already said in the *Paradiso* that "this freedom is the greatest gift given by God to human nature." The cross-reference is to *Paradiso,* canto 5, where he discusses free will, and most scholars agree that 1314 was the earliest date by which Dante could have completed that canto. Citing the textual evidence, Shaw, ed., 1995, xxxix, concludes that "there is no good reason to suppose the cross-reference is inauthentic; its inauthenticity is urged only by scholars . . . who *for other reasons* are unwilling to countenance a later date" (italics mine). I would bracket, however, as purely conjectural, Cassell's further insistence on ascribing to Dante in the *Monarchia* a polemical intent linked specifically with the papal attack on Can Grande della Scala.
57. For the essential consistency of the positions Dante adopts in the *Monarchia* and *Commedia,* see Ferrante, 1984, esp. 76–131. Also Shaw, ed., 1995, xxxviii–xli, where she adds that "there is no conflict at all between poem and treatise in what Dante advocated in terms of practical politics."
58. *Monarchia* I, ii, 3; ed. Shaw, 1995, 4–5.
59. Internal evidence suggests that the C*onvivio* was begun after Dante went into exile from Florence in January 1302, with the final chapters being completed after March 1306. On which, see Ryan, 1989, 227. The three letters in question—V, VI, and VIII—were written, respectively, in September/October 1310, March 1311, and April 1311. See Toynbee, ed., 1966.
60. Thus *Convivio* IV, 4, 1–3; ed. Simonelli, 1966, 136–37; trans. Ryan, 1989, 127–28.
61. See Oakley, 2012, 118–25.
62. *Convivio* IV, 4, 3–7; ed. Simonelli, 1966, 138–39; trans. Ryan, 1989, 128–29.
63. The words, alluding to Aristotle's *Metaphysics,* with which he had begun the *Convivio* and with which he would also begin the *Monarchia.* See *Convivio* I, 1, 1; ed. Simonelli, 1966, 1; trans. Ryan, 1989, 13; *Monarchia* I, 1, 1; ed. Shaw, 1995, 2–3.

64. *Mon.* I, vii, viii, and ix; ed. Shaw, 1995, 16–21. Cf. Oakley, 2012, 110–37.
65. For which, see Oakley, 2010, 34, 85–98.
66. *Mon.* I, viii, 3; ed Shaw, 1995, 18–19.
67. Or "the well-being of the [whole] world requires a monarchy"—*Mon.* I, xv, 10; ed. Shaw, 1995, 42–43.
68. Thus, in order of citation, *Mon.* I, x, 11, xiii, 7 (the world monarch "can have no occasion for greed"), xii, 10–11 (the definition of freedom), iii–iv (intellectual potential); ed. Shaw, 1995, 26–27, 34–35, 32–33, 8–11.
69. *Mon.* I, iii, 1–11; ed. Shaw, 1995, 6–11.
70. *Mon.* I, v, 6–10; ed. Shaw, 1995, 14–15.
71. Somewhere or other in the well-nigh limitless archive of Dante scholarship someone, at some time, may well have traced the exact argumentative path I pursue here and in the paragraphs that follow. If that is indeed the case, I must abjectly confess my ignorance of that fact. For the interpretative challenge posed by "the vast literature" on Dante, see the interesting comments of Gilson, 1968, vii–x, where he wryly concludes that "I cannot think of it without experiencing a kind of dizziness."
72. For that rich earlier history, some grasp of which is directly pertinent to an understanding of Dante's vision of Rome and its place in history (which is more than simply "Virgilian"—see below, nn81 and 82), see Oakley, 2010, 29–39, 83–98, 111–17.
73. *Mon.* II, 1, 2; ed. Shaw, 1995, 46–47.
74. For Dante and Orosius, see Davis, 1957, 55–75, and for the suggestion about Girolami's possible influence, *ibid.*, 84–86.
75. For all of which and what follows, see the account in Oakley, 2010, 112–42, and the pertinent scholarly literature referred to therein.
76. *De civitate dei* IV, cap. 4; CSSL 47:101–2.
77. See Luke 2:1ff., 3:1ff.; Acts 11:28, 18:2. Cf. Oakley, 2010, 62–63, 112–16.
78. *Mon.* II, x, 4–10, xi, 1; ed. Shaw, 1995, 92–95.
79. *Mon.* II, xi, 1–7; ed. Shaw, 1995, 94–97. Also *Paradiso,* canto 6:84–90. *Inferno,* canto 2; *Purgatorio,* canto 21.
80. *Purgatorio,* canto 7, 16: "O gloria dè Latin."
81. Davis, 1957, 7, 124–31. *Mon.* II, iv, 7–11; ed. Shaw, 1995, 60–61. *Convivio* IV, v, 7–9; ed. Simonelli, 1966, 141–42; trans. Ryan, 1989, 131. Cf. d'Entrèves, 1952, 45–46, where he says that in book 2 of the *Monarchia* Virgil is "the determining factor" and

that "Virgil and the providential mission of Rome have become Danté's outstanding 'myths.'"

82. Though Dante himself, when citing this "special providence," relied on the testimony of Virgil (*Aeneid* VIII, 652–56). See *Mon.* II, iv, 8; ed Shaw, 1995, 60–61. Cf. *Convivio* IV, v, 17–19; ed. Simonelli, 1966, 143–44; trans. Ryan, 1989, 132–33.
83. *Convivio* IV, iv, 10–11; ed. Simonelli, 1966, 138–39; trans. Ryan, 1989, 129. Cf. *Mon.* II, v, 5; ed. Shaw, 1995, 62–63, where Dante describes the Romans as a "holy, dutiful and glorious people" who "disregarded personal advantage in order to promote the public interest for the benefit of mankind." See also *Ep.* V, §§ 8, 9, and 10; ed. Toynbee, 1966, 55–58.
84. *Ep.* V, §§ 1 and 2; *Ep.* VI, §§ 2 and 6; *Ep.* VII, §§ 2, 5, and 8; ed. Toynbee, 1966, 48, 49, 68, 75–76, 90–91, 95, 100. Cf. Ferrante, 1984, 102.
85. The words quoted are those of Davis, 2007, 263; cf. Davis, 1957. For pertinent texts in the *Commedia,* see *Purgatorio,* canto 16, 106: "Soleva Roma, che il buon mondo feo, / due soli aver, che l'una e l'altra strada / faceam vedere, del mondo e di Dio."
86. *Convivio* IV, v, 20; ed. Simonelli, 1966, 144; trans. Ryan, 1989, 133.
87. Davis, 1957, 34, where he adds: "Dante believed that Rome was the instrument of God's providence, the heir of Troy, the mother of the Empire, the creator of Latin *civilitas,* the unifier of the *genus humanum.*" But "she was also the see of Peter, and the centre of the *ecclesia universalis* with its two luminaries."
88. Davis, 2007, 268.
89. *Mon.* III, i, 5 and xvi, 17; ed. Shaw, 1995, 98–99, 148–49.
90. *Mon.* III, i, 5; ed. Shaw, 1995, 98–99.
91. See *Inferno,* canto 19, and especially the plaint of St. Peter in *Paradiso,* canto 27:22–27.
92. Thus *Mon.* III, iv–ix; ed. Shaw, 1995, 106–27.
93. *Mon.* III, x; ed. Shaw, 1995, 126–31. For the Donation of Constantine, see Oakley, 2010, 73, 211–13.
94. *Mon.* I, v, 6–10; ed. Shaw, 1995, 14–15.
95. *Mon.* III, xvi, 2; cf. ibid., 13–15, where he underlines that fact by insisting that "those who are now called [imperial] 'electors'" should not be given that name. God alone chooses and confirms emperors, and the electors should be viewed as no more than "proclaimers of divine providence"; ed. Shaw, 1995, 144–45, 146–68.
96. *Mon.* III, xvi, 1–9; ed. Shaw, 1995, 144–47. Cf. earlier in *Ep.* V,

5; ed. Toynbee, 1966, 53–54, where he speaks already of the power of Peter and of Caesar as "bifurcating" (*bifurcatur*) in their equal derivation from God.

97. *Mon.* III, xvi, 17–18; ed. Shaw, 1995, 148–49, where Dante appears to be referring to the dignity normally associated with authority. This text should be seen in the context of *Mon.* III, v, 4–5 (ed. Shaw, 1995, 114–15), where Dante had insisted that seniority is not to be equated with superiority in authority. Cf. Ferrante, 1984, 99 and 126, where she claims that "Dante's [church-state] ideal is a world in which the emperor dispenses divine justice and the church dispenses knowledge and the sacraments."
98. Thus Lewis, 1954, 2:539–40, where she attempts to link Dante's concluding remarks with two other passages in the *Monarchia.* Gilson, 1968, 162–66, it should be noted, argues firmly, and to the contrary, for a completely watertight separation of the realms of temporal and spiritual power. For John of Paris's teaching on the indirect power of the pope, see Oakley, 2012, 206, 213–15.
99. So much so that Shaw, ed., 1995, xxxvi, toys with the notion that Dante may well have planned the *Monarchia* around a numerical model. For an exploration of that notion in relation to the *Commedia,* see Singleton, 1965, 1–10.
100. Smalley, 1941, 239–40. It should be noted that while Dante cited Aristotle on 395 and Virgil on 192 occasions, he referred to the Bible no less than 575 times. See Hawkins, 2007, 125; Brownlee, 2007, 141–60.
101. *Candidatus Spiritus sancti miles.* See Musto, 2003, for a fine account of Cola's career.
102. Folz, 1969, 145–55; cf. Musto, 2003, 279–80.
103. Headley, 1983, 11, 111; cf. Yates, 1975, 26.
104. Cassell, 2004, 174–97, makes conveniently available an English translation of this *Refutation* in which Vernani never mentions Dante's name, but refers to him somewhat contemptuously as *ille homo* (that fellow) or *quidam* (a certain person).
105. Cited by Cassell, 2004, 57–58.
106. In what immediately follows I adhere to the usefully succinct account in Cassell, 2004, 34–37. Cf. Offler, 1956, and Folz, 1969, 150–51.
107. Cassell, 2004, 239 n52 and 322; Offler, 1956.
108. Godhardt, 2006, 30–40, has challenged on the grounds of total lack of supporting evidence the traditional assumption that

Marsiglio "fled" from Paris to seek refuge at the imperial court only in 1326 under the impending threat of papal condemnation.

109. Thus Godhardt, 2006, 40–46.

110. For this dispute, see below, ch. 4. Basic accounts in Douie, 1932; Lambert, 1961; Tierney, 1972. Short accounts in Oakley, 1979, 44–46; Kilcullen, 1999, 302–8.

111. Shogimen, 2007, 2–3, for the lack of certainty about how exactly Ockham got into trouble in the first place and had to go to Avignon to defend himself. Cf. Miethke, 1969, 46–74.

112. See below, chs. 6 and 7. Of the older accounts of Marsiglio's political thinking which enjoyed considerable currency in the Anglophone world—d'Entrèves, 1939, 44–87, Gewirth, 1951–56, and Quillet, 1970—Gewirth stands out in virtue of the brilliance of his analysis. In the years since those scholars made their contributions, interest in Marsiglio has quickened and there has been a veritable deluge of scholarship devoted to his thinking. For the flow of scholarship since 1960, see Dolcini, 1995, 85–112. Three collective efforts may serve to convey a good sense of the range, direction, and quality of all this work: the essays printed in two issues of *Medioevo,* 5 (1979) and 6 (1990), devoted in their entirety to Marsiglio, as well as those gathered together in Gerson Moreno-Riaño, ed., *The World of Marsilius of Padua* (2006), and now in the Brill, *Companion to Marsilius of Padua,* ed. Gerson Moreno-Riaño and C. J. Nederman (2012). Two other recent works are worthy of note: Nederman, 1995, which, on the imperialist/republican issue, makes a sensible case for seeing Marsiglio as neither but as a broadly based "generic" political thinker, and Garnett, 2006, an interestingly quirky book which is marred by the unwarranted degree of condescension the author displays toward his learned predecessors in the field—especially to the "non-historians" among them, Gewirth and Nederman in particular. He misses, I believe, the importance of distinguishing between the *meaning* and *significance* of texts. On which, see above, General Introduction.

113. My references are given to the critical editions of the Latin text, printed with a French translation on facing pages in Jeudy and Quillet, eds., 1979, the *Defensor minor* at 172–311, the *De translatione imperii* at 372–433. Also to the conveniently available English translation in Nederman, 1993. Nederman prefaces his translation with a lucid and helpful introduction to which I should acknowledge my indebtedness. My references to the *Defensor pacis* (cited hereafter as *DP*) are given to the critical edition by Previté-Orton, 1928, and to the English translation by

Brett, 2005.

114. *De translatione,* cap. 1; ed. Jeudy and Quillet, 1979, 374; trans. Nederman, 1993, 66.

115. *De translatione,* cap. 12; ed. Jeudy and Quillet, 1979, 430–32; trans. Nederman, 1993, 81.

116. *De translatione,* cap. 6, 11, and 12; ed. Jeudy and Quillet, 1979, 398–402, 428–33; trans. Nederman, 1993, 72–73, 80–81. *DP* 15, 2; ed. Previté-Orton, 1928, 67; trans. Brett, 2005, 88.

117. Thus Nederman, 1993, xxiii, in the Editor's Introduction to his translation. Cf. Nederman, 1995, esp. 19–29.

118. Gewirth, 1951–56, 1:131.

119. See below, ch. 7.

120. Nederman, ed., 1993, xxiii, where he adds: "If somewhat less detailed than the *Defensor pacis,* [it] achieves a level of precision and clarity which was precluded by the 'generic' character of the earlier work." It is, in effect, "a mature and advanced statement of the leading principles of Marsiglio's political thinking."

121. *DM* (= *Defensor minor*), cap. 11 § 1; ed. Jeudy and Quillet, 1979, 244–46; trans. Nederman, 1993, 35–36.

122. *DM,* cap. 13 §§ 8 and 9; ed. Jeudy and Quillet, 1979, 274–80; trans. Nederman, 1993, 47–49.

123. *DM,* cap. 11 § 2 and 13 § 9; ed. Jeudy and Quillet, 1979, 246–48, 276–80; trans. Nederman, 1993, 26 and 48–49.

124. *DM,* cap. 13 § 8, 14 § 4, 15 § 1; ed. Jeudy and Quillet, 1979, 274–76, 281–86, 286–88; trans Nederman, 1993, 48, 51–52, 53.

125. *DM,* cap. 5 § 17 and 14 § 2; ed. Jeudy and Quillet, 1979, 208 and 282–84; trans. Nederman, 1993, 18, 51.

126. *DM,* cap. 5 §§ 5–7; ed. Jeudy and Quillet, 1979, 196–98; trans. Nederman, 1993, 5–6.

127. *DM,* cap. 1 § 7, 11 § 1; cf. § 2; ed. Jeudy and Quillet, 1979, 176–78, 244–46; trans. Nederman, 1993, 4, 35–36.

128. *DM,* cap. 1 § 7; cf. cap. 11; ed. Jeudy and Quillet, 1979, 176–78; cf. 244–52; trans. Nederman, 1993, 4; cf. 35–39.

129. *DM,* cap 10 § 3; ed. Jeudy and Quillet, 1979, 240–42; trans. Nederman, 1993, 32–33.

130. *DM,* cap. 15 § 9 and 1 § 4; ed. Jeudy and Quillet, 1979, 276–80 and 174; trans. Nederman, 1993, 48–50 and 2.

131. *DM,* cap. 10 § 6; ed. Jeudy and Quillet, 1979, 244; trans. Nederman, 1993, 35.

132. *DM,* cap. 16 § 2; ed. Jeudy and Quillet, 1979, 304–8; trans. Nederman, 1993, 61.

133. For which, see below, ch. 7.

134. *DM,* cap. 12 § 1; ed. Jeudy and Quillet, 1979, 254; trans. Nederman, 1993, 39. For the earlier definition, see *DP* I, 12, 3; ed. Previté-Orton, 1928, 49–50; trans. Brett, 2005, 66.

135. *DM,* cap. 12 § 1; ed. Jeudy and Quillet, 1979, 254; trans. Nederman, 1993, 37–40.

136. *DM* (in order of citation), cap. 16 § 4, 13 § 9, 1 § 7, and 16 § 2; ed. Jeudy and Quillet, 1979, 310, 280, 176 and 306; trans. Nederman, 1993, 63, 50, 3, and 61.

137. Ockham's polemical writings confront the would-be interpreter with a stern challenge. Over the course of the past half century the appearance for the first time in modern critical editions of the bulk of Ockham's philosophical, theological, and polemical writings has changed the face of Ockham studies which only now can truly be said to have come of age. So far as his fundamental philosophico-theological thinking goes, the contrast (say) between the appraisal of it which Étienne Gilson gave in his *Unity of Philosophical Experience* (1938)—downhill all the way!—and the richly textured account given by Marilyn McCord Adams in her *William Ockham* (1987) is truly striking. A helpful overall sense of the scholarly consensus at the moment can be gleaned from Spade, ed., *The Cambridge Companion to Ockham* (1999). For Ockham's ethical thinking, see Oakley, 2005, and the literature referred to therein, especially Freppert, 1988. The critical edition of his polemical writings (by Offler et al., 1940–97) and the recent English translations by McGrade, Kilcullen, and Brett of parts of that formidable corpus have done much to make Ockham's polemical oeuvre more accessible to specialist and nonspecialist alike. For his political thinking in general reference may be made to De Lagarde, 1956–70, 5, Miethke, 1969, McGrade, 1974 and 1999, Knysh, 1996, Kilcullen, 1999, and Shogimen, 2007.

138. For the unfolding of the dispute, see Douie, 1932, Lambert, 1961, Moorman, 1968, Miethke, 1969, and, now, Robinson, 2013, who focuses especially on William of Ockham's *Opus nonaginta dierum,* setting it helpfully in the context of writings by other sympathizers with Michael of Cesena.

139. The texts of these two important bulls were included in the *Extravagantes Johannes XXII,* 14, cap. 3 and 4; ed. Friedberg, 1879–81, 2:1229–30.

140. Thus Shogimen, 2007, 103: "The ecclesiological nightmare of papal heresy was Ockham's reality. Thus, in his thought, the ultimate institutional authority came tumbling down. See, e.g.,

De imp., cap 1; in *Opera politica,* ed. Offler et al., 1940–97 (referred to hereafter as *OP*) 4:282; trans. Brett, 1998, 74.

141. *De imp.*, cap 22; in *OP* 4:325: "ipsi sunt inter haereticos et inventores ac defensores errorum stultissimorum." Cf. ibid., 330; trans. Brett, 1998, 237 and 142.

142. With Lewis IV's diplomatic effort to reach an accommodation having begun to founder, the year 1337, when Ockham wrote the *Opus nonaginta dierum,* marked on his part, according to Scholz, ed., 1944, 10, and Offler et al., eds., 1940–97, *OP* 3:162–63, a significant moment of transition to a broader engagement with political thinking at large.

143. De Lagarde, 1956–70, 4, portrays Ockham as, above all, a vindicator of the imperial independence from papal control.

144. *Tractatus de Imperatorum et Pontificum potestate; OP* 4:261–355; trans. Brett, 1998. *Dialogus,* in Goldast, ed., 1611–13, 2:392–957; important excerpted passages translated in McGrade and Kilcullen, eds., 1995, 117–298. *Opus nonaginta dierum,* in *OP* 1:287–368 and 2:375–858; pertinent excerpts translated in McGrade and Kilcullen, eds., 1995, 17–115. *Octo quaestiones,* in *OP* 1:1–217; excerpts translated in McGrade and Kilcullen, eds., 1995, 299–333. My remarks are informed especially by the careful analyses to be found in Lewis, 1954, 2:545–51, Miethke, 1969, McGrade, 1974, Brett, trans., 1998, 7–65, Kilcullen, 1999, and Shogimen, 2007.

145. Thus, for example, though in differing ways, Jacob, 1953, 103; Boehner, 1958, 442–68; Tierney, 1997, 183; Shogimen, 2007, 257.

146. Thus III *Dialogus* I, 4, 8; ed. Goldast, 1611–13, 2:855; III *Dialogus* I, 4, 22; ibid., 864–65; trans. McGrade and Kilcullen, 1995, 220, 227.

147. On which, see Shogimen, 2007, 229.

148. Shogimen, 2007, 186.

149. *Opus nonaginta dierum,* cap. 93; in *OP* 2:674; trans. McGrade and Kilcullen, 1995, 77–78.

150. Ibid.

151. *Opus nonaginta dierum,* cap. 93; in *OP* 2:679–81; trans. McGrade and Kilcullen, 1995, 84–86.

152. *De imp.*, cap. 1; *OP* 4:282–84; trans. Brett, 1998, 74–76.

153. *De imp.*, cap. 7; *OP* 4:297: "*Papa enim in beato Petro* solummodo accepit potestatem a Christo ad aedificationem fidelium et non ad destructionem ipsorum" (italics mine); trans. Brett, 1998, 94. For an interesting comment on the significance attaching to

Ockham's attribution to ecclesiastical office of power that is coercive, see Shogimen, 2007, 149–53 and 258, where he insists that "Ockham [in this unlike Marsiglio] does not reject the coercive nature of ecclesiastical authority. He only rejects the arbitrary or abusive exercise of it."

154. *De imp.*, cap. 1, 17, 18, 20; *OP* 4:282, 311, 312–313, 314, 316–17; trans. Brett, 1998, 74, 115, 116, 118, 120, and 123–24 where he drives the point home by adding that the emperor-elect "may immediately, simply by the fact of being elected, assume the name and title of king and involve himself in the administration of the empire."
155. *De imp.*, cap. 20; *OP* 4:316–17; trans. Brett, 1998, 124.
156. *De imp.,* cap. 19; *OP* 4:312; trans. Brett, 1998, 118.
157. McGrade, 1974, 84–85, 138.
158. See Oakley, 2012, 207–19.
159. Thus, in the intra-ecclesiastical domain he does not hesitate to appeal to necessity in order to justify the idea that the congregation of the faithful could, if expedient, conceivably change the monarchical form of church government into an aristocratic one. See McGrade, 1974, 165–67; Shogimen, 2007, 180–84.
160. *De imp.,* cap 13 and 10; *OP* 4:305 and 301; trans. Brett, 1998, 106–7 and 101. Cf. III *Dialogus* I, i, 16; ed. Goldast, 1611–13, 2:784–85.
161. *De imp.*, cap. 12; *OP* 4:304; trans. Brett, 1998, 105. Cf. Kilcullen, 1999, 313–14, 317–18.
162. On which, see the pertinent commentary in Shogimen, 2007, 234–42.
163. Acknowledging that it has been customary to postulate a sharp divide between the voluntarist and nominalist commitments embedded in Ockham's earlier scholastic writings and the political and ecclesiological views expressed in his later political works. Thus, e.g., Morrall, 1949, Boehner, 1953, Kölmel, 1962, Copleston, 1962–65, 3:118–22. For dissenting voices, Coleman, 1991b and 1992, Oakley, 2005, 63–80.
164. See below, chs. 6 and 7.
165. Thus Lewis, 1954, 2:553, where she adds: "This separation has been possible partly because of the thoroughly secular interpretation of the nature and function of the state."

Chapter 3. The Politics of Virtue

1. Levenson, 1958–65, 2:vi–vii; Dore, 1965, 23, 26–29, 31; Oakley, 2012, ch. 3.
2. This whole arrangement was sustained in China by the all-important examination system focused on the canon of Confucian texts. See Franke, 1960.
3. For some general thoughts on this, see Oakley, 1974, 108–70.
4. Building on the more specialized studies by such historians of the long tradition of Western education as Werner Jaeger, Henri Marrou, Paul Oskar Kristeller, and Sheldon Rothblatt, this is the claim advanced with clarity and sustained force by Kimball, 1986. Cf. Marrou, 1956, esp. 61, 87–90, 161–64, 169, 194–96, 205–7, 210–12, 223–24; Seigel, 1968, 3–30. For a synoptic account, see Oakley, 1992, 39–72.
5. Kimball, 1986, 5, 17.
6. Marrou, 1956, 206. Cf. Kristeller, 1961, 7–12.
7. Kimball, 1986, 5, 17.
8. Marrou, 1956, 206, 194, 89.
9. Where, by the eleventh and twelfth centuries as Stephen Jaeger, 1994, 128, has properly insisted, the "culture of learning" was "literary-poetic as opposed to analytical-philosophical," one that "required a literature of examples, not texts that posed problems for solving or for rational penetration. Its dominant arts were grammar and rhetoric, not logic."
10. See Oakley, 2012, ch. 3.
11. Kristeller, 1961, 3–23.
12. Marrou, 1956, 194, 89.
13. Jaeger, 1939–45, 3:46. Cf. Oakley, 2012, chs. 3, 4, and 5.
14. Thus Kristeller, 1961 ("Humanism and Scholasticism in the Italian Renaissance"), 92–119. The words cited occur at 108.
15. Oakley, 2012, esp. ch. 4.
16. Kristeller, 1961, 3–23, 92–119, and 1988, 113–37; Seigel, 1968, 200–25; Witt, 1982, Grafton, 1991; Mann, 1996; Reeve, 1996.
17. Like that other conflicted and often misleading term "feudalism" (on which, see Oakley, 2010, ch. 7), *Humanismus* was a German neologism, "coined in 1808 by the German educator F. Z. Niethammer to express the emphasis on the Greek and Latin classics in secondary education, as against the rising demands for a more practical and more scientific training." See Kristeller, 1961, 9.
18. On which, see Seigel, 1968, 3–30 (at 7 and 29).
19. Hankins, 1995, 311–12.

20. Thus Hankins, 2000, 1. First published in 1955 by Princeton University Press in two meaty volumes, it was republished in 1966 in somewhat revised one-volume form (omitting the lengthy appendices of the first edition). It is to the 1966 edition that my references are given. This work was later buttressed by a two-volume collection of detailed articles of his; see Baron, 1988.
21. Thus Pocock, *Machiavellian Moment* (1975). The words cited appear at ix.
22. Otto of Freising, *Gesta* II, cap. 13; ed. Wilmans, 1867, 114–15; trans. Mierow, 1953, 127.
23. Hyde, 1973, esp. 141–52; Waley, 1969, 230–39.
24. Baron, 1966, 7 and 9.
25. Ibid., 445–46.
26. Ibid., 444–53.
27. Thus Skinner, 1978, 1:80–87, speaking here of Leonardo Bruni's point of view.
28. See Salkever, 1974, 78, where he notes that the "two basic ways of interpreting or understanding the meaning of politics as an activity" are "politics conceived as a problem of moral and intellectual virtue"—as, in effect, a way of life, and "politics conceived as a problem of obligation and legitimacy."
29. Baron, 1966, 461.
30. See, for example, Augustin Renaudet's review of Baron's *Crisis* in Renaudet, 1956, 322–25; cf. Rubenstein, "Florentine Constitutionalism and Medici Ascendancy in the Fifteenth Century," in Rubenstein, ed., 1968, 442–62.
31. A good sense of the range and complexity of the critiques mounted and responses rendered is conveyed by the following commentaries and symposia: Seigel, 1966, with a reply in Baron, 1967; Molho and Tedeschi, 1971; Hankins, 1995, and Hankins, ed., 2000; Witt, Najemy, Kallendorf, and Gundersheimer, *AHR Forum on Hans Baron's Renaissance Humanism,* 1996.
32. See, e.g., Garin, 1951 (1958), 1954, and 1965.
33. Thus Hankins, 2000, 7, speaks of the "more or less unreconstructed Baronianism one can find in the recent historical literature, even in the work of well-informed scholars." And, for a more qualified sympathy, see, e.g., Skinner, 1978, 1:42–43, 70–71, and despite all the careful qualifications he makes, Garin, 1990. Also Viti, 1992, and Witt, "The Crisis after Forty Years," in Witt et al., 1990, 3–14.
34. See the commentaries and symposia cited above in n31. In

coming to terms with the issues involved I have found particularly helpful Seigel, 1966, Baron, 1967 (responding to Seigel), Skinner, 1978, vol. 1, Grafton, 1991 (calm and sensible), Hankins, 1996, Connell, 2000, Blythe, 2000, and Najemy, 2000 —this last a particularly fine essay. I have also benefited from the reflections, coming from a different historiographic angle, in Celenza, 2004.

35. Thus Connell, 2000, 15–16, where he had just insisted that "Baron's thesis was never strictly a claim concerning events which took place in Florence in the period around 1400; it was instead a thesis about the relationship of those events to what he considered to be 'modern' culture, broadly understood. This is indicated in the subtitle of the 1988 collection of Baron's writings: *Essays on the Transition from Medieval to Modern Thought.*"
36. Baron, 1966, 109–20; cf. 146–66.
37. See Oakley, 2012, ch. 5. Cf. Briggs, 1999, 70. The words cited are those of Berges, 1938, 211.
38. Oakley, 2012, ch. 5.
39. Davis, 1974, 30–50 (words cited at 41). Also Davis, 1975, 411–30. Cf. Blythe, 2000, 35–43, and 1997, 1–60.
40. The political views in general of Bartolus, Ptolemy of Lucca, and Marsiglio are analyzed below in ch. 6. For Marsiglio's views on *imperium* and *sacerdotium* in particular, see above, ch. 2. For the whole matter of "civic humanism and medieval political thought," see Blythe, 2000, 30–74. In addition to Remigio, Ptolemy of Lucca, Marsiglio, and Bartolus, he adduces also the writings of several other scholastic thinkers. Cf. Skinner, 1978, 1:48–65.
41. Skinner, 1978, 1:41–48, where he takes exception, specifically, to the claims made by Witt, 1971, 175, 192–93.
42. That at a time when the old republican liberties of the Italian city-states were being extinguished under the quasi-despotic rule of the *signori.* Skinner, 1978, 1:28–48.
43. For Brunetto Latini's defense of republican liberty, see his *Le Livre de Tresors,* Lib. 2 and 3; ed. Carmody, 1948, 2:211, 222–23, 267, 3:392 and 418.
44. Thus Coleman, 2000, 2:227.
45. Grafton, 1991, 16–17.
46. Baron, 1966, 454.
47. Robey, 1973, 3–37; Grafton, 1991, 18.
48. Skinner, 1978, 1:200.

49. Hankins, 1996, 130.
50. Bruni, *Laudatio;* ed. De Toffol, 1974, 40–54 (words cited at 44). English translation in Kohl and Witt, eds., 1978, 149–54 (150). Cf. Hörnqvist, 2000, 123–24.
51. Robey, 1973; Rubenstein, 1982; Grafton, 1991, 26–27.
52. Viti, 1992. My attention was drawn to this discrepancy by Hankins, 1995, 324–25.
53. Pertinent to this issue are the remarks of Najemy, 2000, 79–80.
54. Pagden, 1987, 1; Pocock, 1987, 19–38; Black, 1991, 313–28, and Black, 1992, 7–11; Canning, 1996, 110–34.
55. In this connection Hörnqvist, 2000, 130 n70, notes that Quentin Skinner's "lack of attention to the rhetorical aspects of the writings of the Florentine civic humanists is surprising in the light of the importance he attaches to agency, intentionality, and the illocutionary force of texts."
56. Thus Coleman, 2000, 2:239. Also Hankins, 1995, 325–26.
57. Bruni, *Epp.* VIII, 4: in Leonardo Bruni, *Epistolarum Libri VIII,* ed. L. Mehus (Florence, 1741), 2:111–12, cited from Hankins, 1995, 325–26 n38. Grafton, 1991, 27, having commented on "the remarkably supple and inventive nature of Florentine humanist epideictic," adds that "the lasting impression one receives is of men deliberately setting out to conceal and divert attention from inconvenient realities."
58. Najemy, 2000, 103–4.
59. Ibid., 95; see also 92–93.
60. Grafton, 1991, 13.
61. That notion involves, of course, an ambitious argument that extends well into the centuries that lie beyond the chronological reach of this volume and it cannot be the focus of attention here. Suffice it to say that the argument in question has been dogged by criticism and controversy at other points. Thus Hankins, 2000, 8–10, notes the critical fragmentation of the supposedly "unbroken 'republican tradition' stretching from Aristotle to Jefferson," while Connell, 2000, 27–29, comments that "it is precisely in the area of Machiavelli studies that challenges to the thesis of a continuous republican tradition or 'language' are now taking hold." Cf. Mansfield, 2000, and Rahe, 2000.
62. For Machiavelli's life and career, see Ridolfi, 1978, Viroli, 2000, and (a brief portrait), Atkinson, 2010.
63. Felix Gilbert, 1965, 171–73.
64. *Il Principe,* cap. 2; ed. Rinaldi, 1999, 114; trans. Allan Gilbert, 1965, 1:11.

65. Thus Skinner, 1978, 1:153.
66. Felix Gilbert, 1965, 156, where, among other texts, he bases himself on *Discorsi* I, cap. 5 and 58; ed. Rinaldi, 1999, 1:451–56, 705–16; trans. Allan Gilbert, 1965, 1:204–6, 313–18.
67. Thus Najemy, 1996, 129. For the impact of Machiavelli on modern political thinkers and for the steady flow of commentary on Machiavelli's writings, see Barthas, 2010.
68. In framing the brief account that follows I found particularly helpful Felix Gilbert, 1965, Skinner, 1978 and 1981, Rubenstein, 1991, Najemy, 1996, and Najemy, ed., 2010, especially the essays by Rebhorn, Barthas, and Najemy himself.
69. Najemy, 1996, 122; cf. Connell, 2000.
70. Najemy, 1996, 119–29 (at 124), the whole essay giving an intriguing account of the evolution of Baron's uneasy appraisal of Machiavelli. See Machiavelli's *Istorie fiorentini,* 1:1; in Martelli, ed., 1971, 632, and ibid., 4:1; in Martelli, ed., 1971, 715. Cf. Connell, 2000, 16–17. For Machiavelli's dependence on Calvalcanti's account, see Anselmi, 1979, 125–28.
71. *Il Principe,* dedicatio; ed. Rinaldi 1999, 1 (tomo primo): 107–8: "imparata da me con una lunga esperienzia delle cose moderne et una continua lectione delle antiche." English translation, ed. Gilbert, 1965, 1:10.
72. Berlin, "The Originality of Machiavelli," in Berlin, 2001, 25–79 (at 41–42). Machiavelli himself would surely have approved of Berlin's use of the medical analogy. See *Discorsi,* Lib. I, proemio; ed. Rinaldi, 1999, 1 (tomo primo): 415; trans. Gilbert, 1965, 1:191.
73. Rubenstein, 1991, 47, following in this Plamenatz, 1963, 1:16.
74. *Discorsi,* Lib. I, proemio; ed. Rinaldi, 1 (tomo primo): 415–6; trans. Gilbert, 1965, 1:191.
75. *Discorsi,* Lib. I, proemio: "ho deliberato entrare per una vi la quale, no essendo suta ancora da alcuna trita." These words occur in the first paragraph of the *Proemio* which, for reasons pertaining to the manuscript tradition, is relegated to an appendix in the edition of Rinaldi, 1999, 1 (tomo secondo): 1203–4; trans. Gilbert, 1965, 190.
76. F. Gilbert, 1965, 158–60.
77. Skinner, 1978, 1:117, claims, indeed, that the heyday of such works came in the late fifteenth century.
78. See F. Gilbert, 1965, 188. For Baron's argument, see Baron, 1988, 2:101–51 (a revised version of Baron, 1961, 317–53).
79. Thus Geerken, 1976, 357.

80. Skinner, 1978, 1:156–57. Cf. Rubenstein, 1991, 55.
81. Garin, 1959, 159–204; cf. F. Gilbert, 1965, 162–63.
82. Skinner, 1978, 1:129, 153–54.
83. Ibid., 1:113–89. See also Skinner, 1981, esp. 21–77.
84. E.g., *Il Principe,* cap. 2, 18; ed. Rinaldi, 1 (tomo primo): 114–17, 300, 302; trans. Gilbert, 1965, 11–12, 240, 243. The idea runs like a leitmotif throughout the whole work. Skinner, 1981, 29, comments that by *mantenere lo stato* Machiavelli means that in order to survive the new ruler "must preserve the existing state of affairs, and especially keep control of the prevailing system of government."
85. Bruni, *Laudatio florentinae urbis,* ed. De Toffol, 1974, 80; trans. Kohl in Kohl and Witt eds., 1978, 167. *Oration,* cited in Skinner, 1978, 1:76–77.
86. *Il Principe,* cap. 12 and 13; ed. Rinaldi, 1999, 1 (tomo primo): 239, 261–62; trans. Gilbert, 1965, 47, 54. Cf. *Discorsi,* 1:43, 2:20; ed. Rinaldi, 1999, 1 (tomo primo): 641–42, 860–63; trans. Gilbert, 1965, 1:286, 381–83.
87. Garin, 1965, 61.
88. *Il Principe,* cap. 25; ed. Rinaldi, 1999, 1 (tomo primo): 372–85; trans. Gilbert, 1965, 1:89–92. *Discorsi,* Lib. II, cap. 1; ed. Rinaldi, 1999, 1 (tomo primo): 732–39; trans. Gilbert, 1965, 1:324–27. Cf. II, cap. 29, and III, cap 31; ed. Rinaldi, 1999, 1 (tomo primo): 915–21, and 1 (tomo secondo): 1128–35; trans. Gilbert, 1965, 1:406–8, 498–501.
89. *Discorsi,* Lib I, proemio: "ho deliberato entrare per una via la quale, no essendo suta ancora da alcuno trita"; ed. Rinaldi, 1999, 1 (tomo secondo): 1203–48; trans. Gilbert, 1965, 190.
90. *Discorsi,* Lib. I, proemio; ed. Rinaldi, 1999, 1 (tomo secondo): 1203; trans. Gilbert, 1965, 1:190. Cf. the celebrated statement in *Il Principe,* cap. 15; ed. Rinaldi, 1999, 1 (tomo primo): 270–72; trans. Gilbert, 1965, 1:52–58.
91. Following here the account in Skinner, 1978, 1:113–28. Cf. Skinner, 1981, 34–47.
92. *Il Principe,* cap. 15, 18; ed. Rinaldi, 1999, 1 (tomo primo): 270–75, 300; trans. Gilbert, 1965, 1:57–58, 66.
93. *Il Principe,* cap. 26; ed. Rinaldi, 1999, 1 (tomo primo): 400; trans. Gilbert, 1965, 1:96. See the pertinent comment in Ascoli and Capodivacca, 2010, 190–93.
94. Ascoli and Capodivacca, 2010, 192.
95. Though Hörnqvist, 2010, 123, notes that it is attributed instead to "orders, institutions, collectivities, actions, and horses."

Dell'arte della guerra was the only one of Machiavelli's works to be published in his lifetime.

96. Skinner, 1981, 39–40, where he is citing *Il Principe,* cap. 18; ed. Rinaldi, 1999, 1 (tomo primo): 300–301; trans. Gilbert, 1965, 1:66, at which point Machiavelli has just acknowledged that "a prince, and above all a prince who is new, cannot practice all those things for which men are considered good, being often forced, in order to keep his position [*per mantenere lo stato*], to act contrary to truth, contrary to charity, contrary to humanity, contrary to religion."
97. *Discorsi* I, 2, 4, II, 2; ed. Rinaldi, 1999, 1 (tomo primo): 427, 436–40, 448, 740–42; trans. Gilbert, 1965, 1:195, 199–201, 203, 328–29. Skinner, 1978, 1:176, notes that in this collective usage *virtù* comes very close to meaning "public spirit."
98. *Discorsi* I, 17, 18; ed. Rinaldi, 1999, 1 (tomo primo): 527–42; trans. Gilbert, 1965, 1:238–43.
99. *Discorsi* II, 2, and I, 1; ed. Rinaldi, 1999, 1 (tomo primo): 736 and 419; trans. Gilbert, 1965, 1:326 and 192.
100. *Discorsi* I, 1, 3, 36, 49, and III, 1; ed. Rinaldi, 1999, 1 (tomo primo): 426, 443, 605–6, 662, and 1 (tomo secondo): 952–55; trans. Gilbert, 1965, 1:195, 201, 271–72, 295, 420–21.
101. *Discorsi* I, 11, 12; cf. 13 and 14; ed. Rinaldi, 1999, 1 (tomo primo): 493–96, 500–501, 505–14; trans. Gilbert, 1965, 1:224–26, 229–33.
102. *Discorsi* I, 12; ed. Rinaldi, 1999, 1 (tomo primo): 501–2; trans. Gilbert, 1965, 1:226–27.
103. *Discorsi* I, 12; ed. Rinaldi, 1999, 1 (tomo primo): 503–6; trans. Gilbert, 1965, 228–29.
104. *Discorsi* I, 9, III, 41; ed. Rinaldi, 1999, 1 (tomo primo): 479, 1 (tomo secondo): 1174; trans. Gilbert, 1965, 1:218, 519.
105. A good sense of the interpretative range at play on the issue can be gleaned from Cochrane, 1961, 113–36, Isaiah Berlin, "The Originality of Machiavelli," in Berlin, *Against the Current,* ed. Hardy, 2001, 25–79, and Jéremie Barthas, "Machiavelli in Political Thought from the Age of Revolution to the Present," in Najemy, ed., 2010, 256–73.
106. *Il Principe,* cap. 15, 18; ed. Rinaldi, 1999, 1 (tomo primo): 274, 300–301; trans. Gilbert, 1965, 58, 64–67.
107. *Il Principe,* cap. 15; ed. Rinaldi, 1999, 1 (tomo primo): 271–72; trans. Gilbert, 1965, 58.
108. In what follows, then, I reproduce the argument Berlin develops in Berlin, *Against the Current,* ed. Hardy, 2001, esp. 44–79, from

which pages the quotations in the text are drawn.

109. Renaudet, 1953; Weiss, 1957; Overfield, 1984.

110. F. Gilbert, 1965, 288.

111. Skinner, 1978, 1:200.

112. See Berges 1938, 291–356, for a listing of medieval and Renaissance works belonging to the *speculum principis* genre, as well as Skinner, 1978, 1:213–43, and Bradshaw, 1991, 95–155, for differing interpretations of the transalpine humanist political thought. For the more general background see J. H. Hexter's magisterial introduction to the 1965 Yale edition of More's *Utopia* —in *CW* 4:xv–cxxiv.

113. Skinner, 1978, 1:241.

114. *Institutio,* cap. 1; *Opera omnia,* 1703–6/1961, 4:574; trans. Born, 1968, 173.

115. *Institutio,* cap. 1 and 3; in *Opera omnia,* 1703–6/1961, 4:561–84 (esp. 565, 583), 589–94 (esp. 590–91); trans. Born, 1968, 148, 163, 180, 189–90, 209.

116. *Institutio,* cap. 1; in *Opera omnia,* 1703–6/1961, 4:568; trans. Born, 1968, 155.

117. *Institutio,* cap. 11; in *Opera omnia,* 1703–6/1961, 4:607–12 (esp. 607); trans. Born, 1968, 249, 252, 254.

118. Allen, 1960, 134–56, lumps among the advocates of "the very and true Commonweal" such men as Robert Crowley and Thomas Starkey. Skinner, 1978, 1:215, makes mention also of John Hales and Sir Thomas Smith.

119. Of the various biographical accounts of Thomas More it will suffice here to mention but three. First, that of Chambers, 1935, which dominated the interpretative scene until the latter part of the century when its sympathetic depiction of More was undermined by the revisionist skepticism of Geoffrey Elton. Second, that of Marius, 1984, which consolidated and sharpened the critical, revisionist approach, painted a darker picture of More, and has been dubbed "the most distinguished modern biography." Third, Guy, 2000, a work of judicious critical analysis which is marked (on evidentiary grounds) by a striking degree of interpretative agnosticism on some of the most contentious issues concerning More's life and career. For the interpretation of the *Utopia,* I am most indebted, though in varying degrees, to Hexter's Introduction to the 1965 Yale edition (in *CW* 4:xv–cxxiv), Skinner, 1978, 1:244–62, Bradshaw, 1991, and Guy, 2000.

120. Hexter, Introduction to the 1965 Surtz and Hexter edition of the

Utopia, CW 4:xv.

121. Questions having persistently been raised about the accuracy of the English translation printed in the Yale edition of *Utopia* (*CW* 4, 1965), I have used the Logan, Adams, and Miller edition, 1995, which has come to be viewed as the most successful critical edition and English translation of the work. It also has the advantage of printing the Latin text and English translation on facing pages.

122. *CW* 4, 1965, xv–xxiii. In the Logan, Adams, and Miller, 1995, edition, the Introduction in book 1 runs from 41–55, the Dialogue on Counsel from 55–107, the Discourse on Utopia in book 2 from 108–241, and the Peroration and Conclusion to book 2 from 241–49.

123. *Utopia,* bk 2; ed. Logan, Adams, and Miller, 1995, 120–23; cf. n21. All subsequent references to the *Utopia* will be made to this edition, with the pertinent page numbers included in parentheses in my text.

124. This is the conclusion at which Skinner, 1978, 1:262, arrives.

125. Especially those attaching to the office of Undersheriff, which involved service as judge in the Sheriff's court and brought him into an intimate acquaintance with the soft underbelly of the English legal and penal system.

126. Hexter, "Introduction," in *CW* 4:cxxii.

127. Ibid., xxxvii.

128. On this, though I remain unconvinced by his general ascription to the transalpine humanists of a distinctive, philosophically shaped worldview (he himself concedes that it is a "capacious construct"), I am responding here to the promptings of his interpretation, specifically, of the *Utopia* itself. See Bradshaw, 1991, 97, 114–31.

129. Bradshaw, 1991, 122.

130. Bradshaw, 1991, 117, and 122. Here, I part company with Skinner's more robust insistence that when More "presents his description of Utopian communism in Book II, he must be taken to be offering a solution—the only possible solution—to the social evils he has already outlined in Book I." See Skinner, 1978, 1:262.

131. *The Complete Works of St. Thomas More,* ed. Richard S. Sylvester, 7 vols. (New Haven, 1965).

132. Though little more than sixty years ago that interpretation, it turns out, could still be seen to be persuasive. See Morgan, 1946.

133. A very old interpretation, but one given new life in the

twentieth century by Mattingly, 1958.

134. On all of which, see the works referred to above in n68.

135. Thus Harpsfield, 1932, 102–3.

136. For which, see especially Kautsky, 1927. The currency in the former Soviet Union of views akin to Kautsky's is reflected in the fact that on Lenin's orders and immediately after the revolution, there was erected in Moscow's Alexandrovsky Gardens an obelisk on which were engraved "some 18 names, including those of Marx, Engels and (in Cyrillic script) 'T. More.'"—Guy, 2000, 96.

137. Guy, 2000, 212.

Chapter 4. The Politics of Sin

1. Carlyle and Carlyle, 1903–36, 1:146.
2. For a general survey of medieval views concerning the relationship between the Fall and political power, see Stürner, 1987.
3. Oakley, 2012, ch. 8.
4. Ibid., ch. 7.
5. Pollock and Maitland, 1911, 2:230. Cf. Oakley, 2012, ch. 8.
6. Thus Coleman, 1988, 611.
7. *Tractatus de regia potestate et papali* (*DPP*), cap. 6 and 7; ed. Bleienstein, 1969, 90–98; trans. Watt, 1971, 96–105. For an analysis of the *Tractatus,* see Oakley, 2012, ch. 8, and for an exploration of the Franciscan-Dominican controversy, Coleman, 1985 and 1992.
8. *DPP,* cap 8, 10; ed. Bleienstein, 1969, 94, 98–99, 101–2, 106–7; trans. Watt, 1971, 100, 106–8, 109–10, 115–16.
9. *DPP,* cap. 6; ed. Bleienstein, 1969, 90–98; trans. Watt, 1971, 96–100. Cf. Coleman, 1992.
10. And informing a tradition of thinking about the nature of property that Coleman, 1985, and Swanson, 1997, believe to have left a clear imprint as late as the seventeenth century on John Locke's discussion of property in his *Second Treatise of Government.*
11. For the issue of Franciscan poverty and steps taken by these popes to bring clarity to what it involved, see above, ch. 2.
12. Following here the account of his views given in Coleman, 1992, esp. 178–88. The words cited appear at 177; cf. 186–87.
13. See Oakley, 2012, ch. 8.
14. *De ecclesiastica potestate* (*DEP*), pars II, cap. 7; ed. and trans. Dyson, 2004, 130–31. Cf. Oakley, 2012, ch. 8.
15. *DEP,* pars III, cap. 11; ed. and trans. Dyson, 2004, 388–89.
16. *DEP,* pars I, cap. 4; ed. and trans. Dyson, 2004, 18–19.
17. For a discussion of which, and for the pertinent texts in Augustine, see Oakley, 2010, 112–42.
18. Oakley, 2010, 131–37, and Arquillière, 1955.
19. *DEP,* pars II, cap. 7 and 12, pars III, cap. 2, 10, and 11; ed. and trans. Dyson, 2004, 130–31, 136–37, 200–201, 285, 374–75, 382–83.

20. Gwynn, 1940, 234–36.
21. Walsh, 1981, 381–82; Gwynn, 1940, 64–67.
22. For Fitzralph's life and times, see Walsh, 1981, Gwynn, 1940; for his philosophico-theological thinking in general, Leff, 1967; Robson 1966; for his teaching on *dominium* as contingent on grace, see especially, Walsh, 1981, 327–406, Dawson, 1983, Lahey, 2003, 49–63; Wilks, 1963.
23. I cite this text and translation from Gwynn, 1940, 67. The text itself is printed in Sudoris, ed., 1514.
24. Thus in his *Proposicio ex parte praelatorum et omnium curatorum totius ecclesiae,* preached before the pope in July 1350, he mounted, according to Gwynn, 1940, 83–84, "a reasoned objection to all the chief papal privileges which had been granted to the friars by various popes." Cf. the lengthier (and more critical) discussion of the *Proposicio* and the events surrounding it in Walsh, 1981, 349–70.
25. Walsh, 1981, 375.
26. *De pauperie Salvatoris* (cited henceforth as *DPS*), Preface; ed. Poole, 1890, 273.
27. Thus Walsh, 1981, 376.
28. Walsh, 1981, 387, 391; Lahey, 2003, 62; Dawson, 1983, 334, 341.
29. For Fitzralph's doctrine of *dominium* it is the first five books that are central. There is no published, critical edition of the work in its totality but Poole, 1890, printed the first four books in a critical edition included as an appendix to his edition of Wycliffe's *De dominio divino.*
30. *DPS* I, cap. 2; ed. Poole, 1890, 277–81.
31. Helpful summary in Lahey, 2003, 49–63.
32. *DPS* II, cap. 8; ed. Poole, 1890, 348.
33. *DPS* IV, cap. 4; ed. Poole, 1890, 441.
34. Dawson, 1983, 337–38.
35. *DPS* IV, cap. 4; ed. Poole, 1890, 441.
36. As a century ago, and with great insouciance, did G. M. Trevelyan, 1900, 199.
37. Thus Boreczky, 2007, 25, who adds in the same place: "He seems to remain as controversial as he has always been." Cf. Shogimen, 2006, 205, who concludes (not very reassuringly) that "Wycliff's political thought remains elusive."
38. On the theory of *dominium* Wycliffe himself refers his readers to Fitzralph, "qui istam materiam egregie pertractavit"—*De dominio*

divino II, cap. 2; ed. Poole, 1890, 12. Cf. Gwynn, 1940, 59, Daly, 1962, 89–90, Walsh, 1981, 377, Dawson, 1983, 315.

39. For Wycliffe's life and career, see Workman, 1926, McFarlane, 1952, Larson, 2006. For the development of Wycliffe scholarship over the past century, see Lahey, 2003, 1–24, the essays gathered together in Levy, ed., 2006, and Boreczky, 2007, 1–33. For Wycliffe's political theory in general, Daly, 1962, and Shogimen, 2006, and for recent extended discussions approaching from very different directions his teaching on *dominium,* Lahey, 2003, Boreczky, 2007.
40. Lahey, 2003, 62.
41. To such a degree that in 1371 two Augustinian friars submitted to parliament formal articles advocating such a partial confiscation. See Gwynn, 1940, 214.
42. For this and the comments on Augustine, I venture to refer the reader to Oakley, 2010, 117–42.
43. Leff, 1967, 2:500–58. Wycliffe's ultra realism involved the insistence that intelligibility and being are to be identified, that whatever the human mind conceives as an entity corresponds not merely to an external reality but to a divine archetype (*esse intelligibile*) that is possessed of being, eternal and indestructible.
44. In this connection, see the brief discussion of medieval views on Scripture and tradition in Oakley, 1979, 148–57, and the literature referred to therein.
45. Leff, 1967, 2:513, 515.
46. Wycliffe, *Tractatus de ecclesia,* cap. 1, ed. Loserth, 1886, 2 and 7: "Quamvis autem ecclesia dicatur multipliciter in scriptura, suppono quod sumatur ad propositum pro famosieri, scilicet congregacione omnium praedestinatorum." "Quod est ecclesia universalis sive catholica, ipsa continent in se omnes praedestinatos." This definition he repeats in *De civili dominio* (henceforth *DCD*) I, cap. 43, ed. Poole, 1885, 358.
47. Shogimen, 2006, 216–17, where he notes that a "single most important consequence [of Wycliffe's predestinarian stance] was that the Church was radically de-institutionalized."
48. On whom, see Oakley, 2010, 165–73.
49. The text in question is Ambrosiaster (Pseudo-Augustine), 1898. *Quaestiones Veteri et Novi Testamenti CXXVII,* cap. 35; in *CSEL* 50:163. For some comments on Ambrosiaster, see Oakley, 2010, 97–98, 114, 163, 166, 168, 173.
50. *De officio regis,* cap. 1; ed. Pollard and Sayle, 1887, 13.
51. Shogimen, 2006, 228.

52. The words cited are those of Lahey, 2003, 89–90. For the full case he makes, see 68–107. It should be noted that Boreczky, 2007, 28 and 30, evinces a somewhat condescending twinge of skepticism about Lahey's whole approach, describing it as "arriving at a comfortable, and indeed not very original, model of universal and particular."
53. *DCD* I, cap. 1, 6, and (referring among others to Fitzralph) 9; ed. Poole, 1885, 2, 46, and 65.
54. *De dominio divino* I, cap. 3; ed. Poole, 1885, 15: "Iterum secundum fundamenta dominii variantur sue species, specialiter in homine. Nam, sicut aliud est jus naturale, aliud jus evangelicum, aliud jus humanum; correspondenter aliud est dominium naturale, aliud evangelicum (ut est dominium caritatis sive vicarium, quando quis in nomine Christi accepit ab alio ministerium), et aliud est dominium coactivum." Cf. *DCD* I, cap. 11; ed. Poole, 1890, 73.
55. *DCD* III, cap. 13; ed. Loserth, 1903, 228–29.
56. *DCD* I, cap. 9; ed. Poole, 1885, 62.
57. *DCD* III, cap. 7; ed. Loserth, 1903, 95, 96. See Lahey, 2003, 137–38.
58. *De officio regis;* ed. Pollard and Sayle, 1887, 247–48.
59. *DCD* III, cap. 5; ed. Poole, 1890, 73.
60. Ibid.
61. See Lahey, 2003, 138–40. Cf. Wycliffe, *DCD* III, cap. 1; ed. Poole, 1890, 178; II, cap. 15; ed. Loserth, 1900, 189; I, cap. 11; ed. Poole, 1885, 73–75.
62. See Lahey, 2003, 135–38, for some further complexities here.
63. *De officio regis;* ed. Pollard and Sayle, 1887, 138: "Excellencior est illa potestas que habet imperare vel mandare quam est potestas que tenetur ad hoc humanitus obedire, sed potestas episcopalis tenetur humanitus obedire regie potestati, non sic e contra, ergo potestas regalis est ad hoc praestantior."
64. *De officio regis;* ed. Pollard and Sayle, 1887, 244.
65. The painstaking analysis of the *De civili dominio* to be found in the fourth chapter of Lahey, 2003, 108–48, may serve to convey a good sense of the intricacies involved.
66. For a succinct treatment of Hus and the Hussites, see Oakley, 1979, 195–203, 294–301. More extended treatment in Spinka, 1966 and 1968, and in Kaminsky, 1967, three books which helpfully reflect the extensive body of pertinent scholarly literature still available only in Czech.
67. Thus Wycliffe, as Johann Loserth put it over a century ago, was

"the man for whose doctrine Hus went to the stake."—Loserth, 1884, 177, xvi.

68. See, for Wycliffe, Alberigo and Tanner, eds., 1990, 1:424–25: Proposition No. 28; 34 and 43. And, for Hus, ibid., 1:431; Proposition No. 30.
69. Bainton, 1963, 92; cf. Oberman, 1989, 55.
70. See Moeller, 1965 and 1966.
71. This the subtitle of Heiko Oberman's fine biography, *Luther. Man between God and the Devil* (1989). The clearest and most deeply sympathetic introduction to Luther's life and work remains that of Bainton, 1963. See also Lohse, 1986. For Luther's theopolitical thinking, see Cranz, 1959, Skinner, 1978, 2:3–64, Cargill-Thompson, 1980, 3–80, and 1984, Oakley, 1991. In what follows I draw very much on this last. My references to Luther's writings are given to the standard Weimar edition (1906–61), identified as *WA* and *WA.DB,* and to the English translation, Pelikan et al. (1955–86), identified as *LW*. For Reformation topics in general and for pertinent bibliographies, reference can now be made to Hillerbrand, ed., *The Oxford Encyclopedia of the Reformation,* 4 vols. (1996).
72. *WA* XVIII, 719; cf. 783; *LW* XXXIII, 190; cf. 288–89.
73. For these theological equations, see Oakley, 2010, 117–42, and for the traditional categorization of ecclesiastical power, see above, ch. 2.
74. *WA* XVIII, 786; *LW* XXXIII, 294.
75. Erasmus, *De libero arbitrio* IV, 8; ed. Walter, 1935, 82; trans. Rupp, 1969, 90.
76. Luther, *De servo arbitrio; WA* XVIII, 743; *LW* XXXIII, 227.
77. *WA* XVIII, 638, 782, 719; *LW* XXXIII 70, 227, 190.
78. Thus Oberman, 1989, 219–20, identifies as the three "threads of the Reformation discovery": justification by faith alone (*sola fide*), the preaching of God's Word alone (*sola scriptura*), and trust in God's grace alone (*sola gratia*).
79. Rom. 1:17: "For in it [the Gospel] the righteousness of God is revealed through faith for faith; as it is written, 'He who through faith is righteous shall live.'"
80. *WA* VII, 53, *WA.DB* 70, 7; *LW* XXXI, 349, XXXV, 370.
81. Preface to the Latin writings, 1565; *WA* LIV, 186; *LW* XXIV, 337.
82. And "as faith makes a man a believer and righteous, so faith does good works."—*Freedom of the Christian; WA* VII, 613; *LW* XXXI, 361.
83. Cargill-Thompson, 1980, 42–59; Cranz, 1959, 113–73.

84. *Lectures on Romans: Scholia; WA* LVI, 343 and 442; *LW* XXV, 132 and 434.
85. *Whether Soldiers, Too, Can Be Saved; WA* XIX, 625; *LW* XLVI, 95.
86. *WA* VI, 409; *LW* XLVI, 131.
87. *Temporal Authority: To What Extent It Should Be Obeyed; WA* XI, 247; *LW* XLV, 85–86.
88. *WA* XI, 277, 262; *LW* XLV, 125.
89. *Address to the German Nobility; WA* VI, 409–10; *LW* XLIV, 130–31.
90. *Temporal Authority: To What Extent It Should Be Obeyed; WA* XI, 249–51; *LW* XLV, 88–91.
91. Thus, e.g., *The Babylonian Captivity; WA* VI, 537; *LW* XXXVI, 72.
92. See Cargill-Thompson, 1984, 131–33.
93. *WA* XVIII, 309 and 295; *LW* XLVI, 19 and 25.
94. *WA* XVIII, 357–61; *LW* XXXIX, 49–55. Oberman, 1989, 272–78, notes that Luther saw the peasants' "violent resistance against the authorities, particularly in the name of the Gospel, . . . [as] the work of the Devil—and only possible in the last Days. So the end [of the world] must be near." For an expansive view of the Peasants' War as "a failed social revolution," "the Revolution of the Common Man," and "the mightiest mass movement in European history before 1789," see Blickle, 1981b, xi and 187,
95. See, for example, in the 1290s, the succinct remarks on the topic by Henry of Ghent and Godfrey of Fontaines, conveniently printed in translation in McGrade, Kilcullen, and Kempshall, eds., 2001, 307–20.
96. See below, ch. 8.
97. Though it would be fair to say that some among them—Johannes Brenz at Schwabische-Hall, for example, or Huldreich Zwingli at Zurich, or Martin Bucer at Strasbourg—showed a good deal less interest in holding that line than did Luther himself.
98. Melanchthon, *Loci communes* (1555), esp. 36; ed. and trans. Manschreck, 1965, 335–37. The original *Loci communes* had been published in 1521 and the greatest changes to the text made between the late 1530s and 1555, when Melanchthon altered it quite markedly and enlarged it fourfold. Manschreck's translation is based on two German editions of the 1551 version, the German translation having been made by Melanchthon himself. The 1559 Latin version of the work is printed in Melanchthon, 1961–75; II, 1, 164–252, II, 2. For Melanchthon and Luther, see Manschreck, 1965, and Scheible, 1990.

99. Cargill-Thompson, 1984, 117.
100. For the spread of Lutheran ideas in general and their consequent impact on political thinking at large, see the helpful account in Skinner, 1978, 2:65–108.
101. Olaus Petri, *Krönungspredikan;* in Hesslman, ed., 1914–17, 1:316.
102. Olaus Petri, *Svenska Kronik;* in Hesslman, ed., 1914–17, 4:78, 114.
103. Thus Roy's *A Brief Discourse between a Christian Father and His Stubborn Sonne* (1527) and Fish's *The Summe of the Holye Scripture* (1529) both stressed the divinely ordained nature of the temporal ruler's authority and the gravity attaching, therefore, to the subject's obligation to obey them. For these two works, see Clebsch, 1964, 232–39, 245–51, and esp. 249 n18 for Fish's verbatim borrowings from Luther. Cf. *WA* XI, 247–55.
104. Barnes, *Supplication;* in *Whole Workes,* 1573, 295.
105. Mozley, 1937, 143.
106. Tyndale, *Obedience of a Christen Man;* ed. Walker, 1848, 206, 178.
107. See below, ch. 5.
108. This is persuasively argued by Clebsch, 1964, esp. 54–65.
109. For Zwingli, see Walton, 1967, for Bucer, Chrisman, 1967, and for Calvin, Wendel, 1963, esp. 111–49, Bouwsma, 1988, and Höpfl, 1982.
110. Zwingli, *Brevis et clara expositio Christianae Fidei,* in Schuler, and Schulthess, eds., 1829–42, 4:42–78 (at 58–59); trans. as *An Exposition of the Faith,* in Bromley, ed., 1953, 239–79 (at 265–66).
111. Zwingli, *Jeremiah-Erklärungen;* in Eigli and Finster, eds., 1905–59, 14:424.
112. Walton, 1967, 224.
113. Moeller, 1972, 89.
114. Bucer, *De regno Christi,* I, cap. ult.; ed. Wendel, 1954–55, 15, 293: trans. Pauck, 1959, 213.
115. Wendel, 1963, 64–65, 79–80, 305, 309–10; Bouwsma, 1988, 54–56, 208–10; Höpfl, 1982, a carefully nuanced treatment—see, e.g., 124–26, 171–72.
116. *Institutio,* pref.; ed. Baum et al., 1863–1900, 2:12; trans. McNeill, 1961, 1:12. Cf. Augustine, *De civitate dei* IV, cap. 4; CSSL 47:101; trans. Bettenson, 1972, 139.
117. *Institutio* IV, XX, 31; ed. Baum et al., 1863–1900, 2:116; trans. McNeill, 1961, 2:1519,

118. *Institutio* IV, xx, 4, and 31; ed. Baum et al., 1863–1900, 2:1095–96, 1116; trans. McNeill, 1961, 2:1489–90, 1518.
119. *Institutio,* pref. and III, xix, 9, IV, xx, 1; ed. Baum et al., 1863–1900, 2:28, 618–19, 1002–3; trans. McNeill, 1961, 30, 460, 1480.
120. *Institutio* IV, xx, 1–3; ed. Baum et al., 1863–1900, 2:1092–95; trans. McNeill, 1961, 1485–88.
121. Müntzer, *Die Fürstenpredigt* (*Sermon before the Princes*); ed. Hinrichs, 1950, 20, 23–24, 26–27; trans. Williams, 1957, 62, 64–66, 68. For Müntzer's life, see Scott, 1989, and for his *Sermon before the Princes,* ibid., 69–78.
122. For Batenburg and his views, and data on the depradations of the Batenburgers, see Waite, 1989.
123. Baker, 1980, esp. 141–63; Stayer, 1973, 20.
124. Stayer, 1973, 20; Clasen, 1972, a quantitative approach. For an historiographic survey suggesting a plurality of origins, see Depperman et al., 1975.
125. This is the estimate of Clasen, 1972, who is inclined to minimize their overall significance.
126. *Schleitheim Confession,* in Wenger, 1943.
127. Troeltsch, 1960, 1:314, 340–41; 2:994. By "the church" he meant that type of socioreligious organization that reaches out to comprehend and to Christianize society as a whole and that contrives to do so by manifesting a willingness to compromise with the mores it finds embedded already in society, foregoing, therefore, the imposition on its members of any moral code or standard for admission that the masses would find too exacting to meet or too rigorous to sustain. The focus, therefore, is not on individual but institutional sanctity, locus, as the institution is, of the regenerative working of the Holy Spirit through the preaching of the Word and the administration of the sacraments.
128. *Schleitheim Confession;* in Wenger, 1943, 248–50.
129. For both of these developments see below, ch. 8.

Chapter 5. The Politics of Deference

1. On this matter of the linkage between divine right theory and notions of royal absolutism I incline, therefore, to the stance adopted by Figgis, 1965 (1922), and, more recently, by Sommerville, 1986, esp. ch. 1, and 1991, 347–73. For dissenting voices on the matter, see Russell, 1993, and Burgess, 1996, 91–

123.

2. Cerfaux and Tondriau, 1957, 119–20. Cf. Oakley, 2010, 3 and 105. Nor, for that matter, did republican institutions or ideas dominate in the (theo)political legacy that the centuries we are accustomed to labeling as "late medieval" bequeathed to the early modern era.

   On the growing strength during the late medieval and early modern eras of the cult of kingship in general, see Krynen, 1993. On the growth of the royal miracle on into the sixteenth century, see Bloch, 1973, 177. In some measure, this ran parallel with the growing "materiality" of late medieval religion in general on which Bynum, 1995 and 2011, has placed so much emphasis. Cf. Oakley, 2013. For France in particular, see also Boureau and Ingerflom, eds., 1992, especially the essays by Jacques Revel, Jacques Le Goff, and Alain Boureau.

3. For this last, see Nicolas de Clamanges, 1613, 350; Ockham, *Octo quaestiones,* qu. 5, cap. 7–9; ed. Offler et al., 1940–97, 1:160–73; Wycliffe, *De officio regis;* in Pollard and Sayles, ed., 1887, 10–11; Gerson, *Sermon pour l'Épiphanie;* ed. Glorieux, 1960–73, 7:530; D'Ailly, "Preuves," in Chastenet, 1778, 163. Cf. Oakley, 1964a, 42 n1, where I dismissed d'Ailly's characterization as "no more than a piece of rhetoric." Now, almost fifty years later, I am by no means so sure. For a number of similar references, see Bloch, 1973, 116–25; Krynen, 1993, esp. 252–63.

4. Bloch, 1973, 77–78.

5. So claims Bertelli, 2001, 26. Extracts from Golein's treatise are helpfully printed in appendix 4 to Bloch, 1973, 275–82. For the French text, see Bloch, 1924, 478–89. Sherman, 1969, 13–14 and 35, discusses Golein and the pertinent miniatures.

6. Krynen, 1993, 345–83 (the words cited appear at 360 and 362).

7. Wycliffe, *De officio regis,* cap. 1; ed. Pollard and Sayles, 1887, 13. For the political views of Wycliffe and Hus, see above, ch. 4.

8. On which, see Oakley, 2010, 97–98, 114, 163–66, 168, 173.

9. For Richard's exalted view of kingship, see Saul, 1997, and, for somewhat critical commentary on Saul's interpretation, Fletcher, 2008, esp. 204–10.

10. Bloch, 1973, 210.

11. Bradley, 2002, 69.

12. Thomas, 1971, 193.

13. For which, see Merrick, 1990; Monod, 1999; Oakley, 2006a, 139–42.

14. Thus Burns, 1986, 20.

15. Thus Holmes, 2000, who devotes a full chapter (187–210) to the issue. And for the papacy's time of troubles, Oakley, 1979, 23–70, and the literature referred to therein.
16. Oakley, 2012, 126–35, 169–207, and above, ch. 2.
17. For the provisions of *Haec sancta* and *Frequens,* see Alberigo and Tanner, eds., 1990, 1:408–9 and 439–42. For the crisis of schism and the whole conciliarist development, see Oakley, 2003, esp. 1–110, and the literature referred to therein.
18. Burns, 1992, 144, rightly insists that "conciliarism remained, for the most part at least, a theory of monarchy" and that that very fact is pertinent to the significance of conciliar thinking for the history of political thought.
19. For the Gregorian achievement, see Oakley, 2012, 15–41, and for its reversal, Oakley, 1979, 71–79.
20. This represented the tentative beginning of the "throne and altar" Catholicism that, punctuated by moments of church-state tension, was to become characteristic of ancien régime Europe.
21. For the development of that body of thinking, see especially Eckermann, 1933, Black, 1970 and 1979, Stieber, 1978, Izbicki, 1981, Burns, 1992 and 1996.
22. On which, see Oakley, 1981 and 2003, 43–51; Stieber, 1978; Christianson, 1979.
23. Hübler, 1867, 372 n20; "Gegen den nahelegender Einwand der altkirchlichen Partei: 'Quod subtrahere obedientiam Dno no[stro] Papae esset dare occasionem subditis seu Popularibus non obedire Principibus seu eorum dominis temporalibus, ex quo sequerentur rebelliones.'" I am indebted to Black, 1970, 88 n6, for drawing this intriguing straw in the wind to my attention.
24. In Raynaldus, 1874, 28:199, 200, 239. For a discussion of the memorandum and in what follows I am indebted to Stieber, 1978, 27–35. Black, 1970, 86–118, and Eckermann, 1933, 45–46, 53–54.
25. Eckermann, 1933, 45–46, cf. 53–54.
26. Mansi, 1607–1927, 31:100 B-C.
27. Burns, 1992, 114, citing Haller, 1941, 66. Similarly, da Monte's letter of July 31, 1439, to Cardinal Beaufort (at 106): "Ex his quanta mala omnibus regnis, provinciis ac nationibus sequi possint, praeteritorum temporum exempla nos admonent."
28. Stieber, 1978, 355. The carefully nuanced appraisal, 331–47, with which he concludes his lengthy investigation of the interplay of theoretical claims and diplomatic maneuver at Basel is worthy of close attention.

29. For all of which, see Black, 1970.
30. The *Monarchia* appears in Goldast, ed., 1611–13, 1:202–556. I lean in what follows on Eckermann, 1933, Black, 1970, Thomson, 1975, and, especially, Burns, 1992, 100–109.
31. See Burns, 1992, 100–109.
32. Thus noting (127) that despite all his emphasis on the pope's fullness of power, Roselli "still leaves a door open for the conciliarist teaching." Eckermann, 1933, devotes a good deal of attention (127–45) to a discussion of the "conciliarist" elements in his teaching. On the qualified nature of the "papalism" of the era of papal restoration, see De Vooght, 1960, 175; Bäumer, 1971, 16, 261–66; Oakley, 1972a, and 2003, 113–20.
33. See below, ch. 7.
34. Black, 1970, 80–84
35. Roselli, *Monarchia,* pars 1, cap. 36; ed. Goldast, 1611–13, 1:270: "Et si fuit ordinarius Caesaris habentis universum imperium juste ante ecclesiam fuisse et absque ejus auctoritate. Ex quo infertur ab ecclesia ergo non dependere, sed a Deo immediate subsistere."
36. Roselli, *Monarchia,* pars 1, cap. 24, cf. pars 5, cap. 30, and pars 1, cap. 46; ed. Goldast, 1611–13, 1:368, 556, 277.
37. Roselli, *Monarchia,* pars 1, cap. 46, cf. pars 2, cap. 24; ed. Goldast, 1611–13, 1:277, 368.
38. Roselli, *Monarchia,* pars 3, cap. 20; ed. Goldast, 1611–13, 1:417. Cf. *Digest* 1, 3, 31, and 1, 4.1, as well as *Inst.* 1.2, 7; ed. Krueger, Mommsen, and Schoell, 1899–1902, 1:6–7 and 1:1.
39. On which, see Oakley, 2012, 174–78.
40. Roselli, *Monarchia,* pars 3, cap. 20; ed. Goldast, 1611–13, 1:417. For the extent to which the distinction in question had made its way beyond Hostiensis into the thinking of other canonists like Johannes Andreae (d. 1348), Henricus de Bouhic (d. 1358), and Panormitanus (d. 1445), as well as into that of civilians like Baldus de Ubaldis (d. 1400), of Romanizing jurists exploring the range (and limits) of the prerogatives enjoyed by the French, Hungarian, Spanish, and English kings, as also that of practitioners of the English common law, see Oakley, 1968 and 1998b—both reprinted in Oakley, 1999, 248–75 and 307–42. For its usage in the fifteenth-century Spanish kingdoms, see Carlyle and Carlyle, 1903–36, 6:134–35 n2, where they cite the appeal to "certa sciencia e sabiduria e poderio rreal absoluto."
41. Eckermann, 1933, 104–6, 117–18.
42. Burns, 1992, 106–10.

43. *Cod.* 1, 14.4; ed. Krueger, Mommsen, and Schoell, 1899–1902, 2:68. Cf. Oakley, 2012, 87–88.
44. Roselli, *Monarchia,* pars 3, cap. 20; ed. Goldast, 1611–13, 417.
45. For the bifurcated nature of the teaching embedded in both laws concerning the origins, grounding, reach, and limits of political authority, see Oakley, 2012, 81–89; cf. 152.
46. For a fine exploration of this issue, see Burns, 1990, 21–42; cf. Burns, 1986.
47. Burns, 1990, 30.
48. Bodin, *De la république,* 1, ch. 8; ed. Fremont, 1986, 1:179; trans. Knolles, 1606, 84. In his introduction to the 1962 facsimile edition of this work, McRae (A28–29, A38) notes that the 1586 Latin version "represents a complete redrafting and a rewriting of the French text" and that Knolles's translation is "a work of independent judgment" in that it was made using both the French and Latin texts.
49. Bodin, *De la république,* 1, ch. 2; ed. Fremont, 1986, 1:43; trans. Knolles, 1606, 10. Cf. *De la république,* 1, ch. 8; ed. Fremont, 1986, 1:204; trans. Knolles, 1606, 98. Also *De la république,* 1, ch. 9; ed. Fremont, 1986, 1:229–293; trans. Knolles, 1606, 114–53. Carlyle and Carlyle, 1903–36, 6:425, adduce the latter chapter in order to sum up Bodin's teaching on sovereignty. For he insists (they say) that "the first and chief character of 'Maiestas' is the power of giving laws to all/and every citizen, without the consent of superiors or equals or inferiors."
50. Bodin, *De la république,* 1, ch. 9, and 3, ch. 5; ed. Fremont, 1986, 1:229, 3:120; trans. Knolles, 1606, 114, 327.
51. Bodin, *De la république,* 1, ch. 3, and ch. 8; ed. Fremont, 1986, 1:51, 191; trans. Knolles, 1606, 14, 91.
52. Bodin, *De la république,* 1, ch. 8; citing here the words of the Knolles, 1606 translation, 92, where he follows the wording of Bodin's Latin text rather than the French text which is not as precise—see ed. Fremont, 1986, 1:193. Cf. ibid., 221–22: trans. Knolles, 1606, 109, where he evokes the authority of Pope Innocent IV in support of the view that the "most high and absolute power [of the sovereign]" is "able but to derogate from the ordinarie law" and not from "the laws of God and nature."
53. Thus, for an invocation of the distinction in an attempt to *limit* burdensome papal fiscal demands, see *Acta imperii inedita,* No. 1182; ed. Winkelmann, 1885, 2:843.
54. Bodin, *De la république,* 1, ch. 8; ed. Fremont, 1986, 1:190, 192–93, 214, 221–22; trans. Knolles, 1606, 90, 92, 104, 109.

55. Bodin, *De la république,* 1, ch. 8; ed. Fremont, 1986, 1:179–228; trans. Knolles, 1606, 84–113. Cf. Church, 1941, 63–64.
56. Reflecting here the traditional tendency of the civil lawyers who were prone to grounding the binding force of contracts not in the positive law but in the *jus gentium.* See Carlyle and Carlyle, 1903–36, 6:16, 19ff, 154ff. For discussions of these various limits on the prince's absolute power, see Church, 1941, 49, 81; Oakley, 1999, 267; Burns, 1990, 27–30.
57. Bodin, *De la république,* 6, ch. 4; ed. Fremont, 1986, 6:193; trans. Knolles, 1606, 721.
58. See especially the rather labored discussion of the constitutional arrangements native to England, the Spanish kingdoms, and the empire in *De la république,* 1, ch. 8; ed. Fremont, 1986, 1:179–228; trans. Knolles, 1606, 84–113.
59. Ibid.
60. On which, see Oakley, 2010, 203–19.
61. Here, and in what immediately follows, I am largely dependent on Krynen, 1988, and Krynen, 1993, 341–458.
62. On which, see the discussion of Roselli above.
63. Krynen, 1993, 397. Cf. Krynen, 1988, for a detailed discussion of the meaning and history of such formularies and of the frequency of their usage by the French chancellery in the fourteenth century. In the canon and civil laws, however, that formula did not always or necessarily carry with it absolutist connotations. On which, see the cautious appraisal in Pennington, 2004a.
64. See below.
65. Fortescue, *Governance of England,* ch. 3; ed. Plummer, 1885, 199. Cf. the editor's comments at 260–62.
66. My remarks on this topic draw on Carlyle and Carlyle, 1903–36, 6:133–36, 185–91; Hillgarth, 2 vols., 1976–78; Round, 1986; Burns, 1992, 71–96.
67. Hillgarth, 1976–78, 2:205. For *pactismo,* see ibid., 203–5, 210–12, where he notes (at 204) that "monarchical propaganda . . . , spreading out from Castile, gradually swamped the whole peninsula."
68. Burns, 1992, 75, where he notes that "the language and formulae of absolutism were widely current in royal documents during the period of his rise to power and preponderance." For the significance of Luna's rise and fall, see Round, 1986, esp. 87–129.
69. "Las quiera rrevocar de su çierta çiencia e proprio motu e

poderio rreal absoluto." Text cited in Carlyle and Carlyle, 1903–36, 6:188 n1. For the deployment of the terms *proprio motu, çierta çiencia* and *poderio rreal absoluto* or *plenario poderio rreal absoluto,* see Round, 1986, 92–96, 101, 120. And for the canonistic origin of such terminology and its rootage in the formularies of the papal chancellery, Krynen, 1988.

70. Burns, 1992, 78. Round, 1986, 101, characterizes these developments as serving to mark a significant stage in the development of royal absolutism.
71. Burns, 1992, 94–96.
72. The text of the *De natura* is printed in Clermont, ed., 1869, 1:63–184, and the standard editions of the *De laudibus* and *Governance* are those, respectively, of Chrimes, ed., 1942, accompanied by an English translation, and Plummer, ed., 1885. Translations of both works into modern English, along with translated excerpts from the *De natura legis,* are now conveniently available in *The Cambridge Texts in the History of Political Thought*—see Lockwood, ed., 1997. For helpful listings of the pertinent secondary literature, see Chrimes, ed., 1942, n3, and Lockwood, ed., 1997, xlviii–liii. I myself have made primary use of Chrimes, 1936, McIlwain, 1958, 67–130, Gilbert, 1943, Ferguson, 1959, Hinton, 1960, Burns, 1985 (especially thoroughgoing) and 1992, 58–70, Blythe, 1992, 260–66, and the introduction to Lockwood, ed., 1997, xv–xliii.
73. McIlwain, 1932, 358–63.
74. McIlwain, 1958, 77–92 (words cited at 77–78).
75. Thus Gilbert, 1943, 88 n4.
76. See above, ch. 4, and Chrimes, 1936, 307–8.
77. McIlwain, 1958, 67–92. Cf. 93–131. He cites (123–24) Chief Baron Fleming's judgment in Bate's Case (1606), attributing to the king a "double [power], *ordinary* and *absolute.*"
78. On this matter, I argued in 1968 against that alignment. The article in question may be found reprinted in Oakley, 1999, 249–75.
79. Lewis, 1964, 266. Further and more detailed criticism in Tierney, 1963, and in Fesefeldt, 1962.
80. Thus Hinton, 1960, 410–17, 421.
81. On this matter see the sage appraisal by Burns, 1985, 794–97, where he concludes that "what we find in Fortescue is not a more fully developed, more mature version of the theory of Fitzralph and Wyclif; it is, essentially, a *different theory.*" Cf. Ullmann, 1975, 301.

82. See above, ch. 4.
83. Burns, 1985, 797, points out that in the *De natura legis naturae,* pars seconda, cap. 50; ed. Clermont, 1869, 1:167–78, Fortescue in discussing the matter of succession to the crown, argues that "*regnum* as a public office existing . . . as a form of *dominium* is real property (*reale*) and as such *descendibile preregnantis heredi.*"
84. Thus "regimen politicum et regale," "principatu politici et regali," etc. For a dozen instances of such usages, see Chrimes, 1936, 335 n25.
85. *De natura legis naturae,* pars prima, cap. 16; ed. Clermont, 1899, 1:77–78; trans. Lockwood, 1997, app. 1A, 128. *Governance,* ch. 1; ed. Plummer, 1885, 111, and Lockwood, ed., 1997, 83–84. *De laudibus,* cap. 37; ed. Chrimes, 1942, 25–27, and Lockwood, ed., 1997, 17–18, 53–54.
86. Oakley, 2012, 120–21; Briggs, 1999, 14–15, 92, 147–48.
87. *De natura legis naturae,* pars prima, cap. 16; ed. Clermont, 1869, 1:77. Cf. Aegidius Romanus, *De regimine principum,* Lib. 2, pars 2, cap. 14 and 3; ed. 1607, 259–62, 291–93. And Aquinas, *De regno,* 1:1; ed. d'Entrèves, 1959, 2–9.
88. *De natura legis naturae,* pars prima, cap. 16; ed. Clermont, 1869, 1:77–78; trans. Lockwood, 1997, 128–31. Cf. *De laudibus,* cap. 39 and 36–37; ed. Chrimes, 1942, 25–27, 87–91, trans. Lockwood, 1997, 17–18, 51–54. And *Governance,* ch. 1; ed. Plummer, 1885, 109–10; ed. Lockwood, 1997, 83–84.
89. Ptolemy of Lucca, *De regimine principum,* Lib. 3, cap. 12 and 20; ed. Perrier, 1949, 336–38, 353–55; trans. Blythe, 1997, 182–83, 204–8. For the authorship of the *De regno* and its continuation, see Oakley, 2012, 105 and 249–50 n27.
90. *Governance,* ch. 1; ed. Plummer, 1885, 109–10; ed. Lockwood, 1997, 83–84. Cf. *De Laudibus,* cap. 9, 13; ed. Chrimes, 1942, 24–27, 30–33; ed. Lockwood, 1997, 17–18, 20–22.
91. *De natura legis naturae,* pars prima, cap. 16; ed. Clermont, 1869, 1:77: "Numquid tunc hoc dominium politicum, *id est plurium dispensatione regulatum,* dici possit, verum etiam et regale dominium nominari mereatur, cum nec ipsi subditi sine regia auctoritate leges condere valeant, et cum regnum illud regiae dignitati suppositum per reges et eorum heredes successive hereditario jure possideatur, qualiter non possidentur dominia aliqua politice tantum regulata" (italics mine). To transliterate *dispensatio* as "dispensation" would not be too illuminating, and to translate it as "administration" (thus Lockwood, ed., 1997, 128) would run the risk, as Burns, 1992, 62, points out "of reading the word too broadly." I follow, then, his suggestion that

it can best be rendered as “stewardship.” Cf. Burns, 1985, 780.

92. *De laudibus,* cap. 18; ed. Chrimes, 1942, 40–41, trans. Lockwood, 1997, 27–28. *Governance,* ch. 1; ed. Plummer, 1885, 109, ed. Lockwood, 1997, 83. *De natura legis naturae,* pars prima, cap. 16; ed. Clermont, 1869, 1:77, trans. Lockwood, 1997, 128. Also pertinent especially to his *dominium/regimen politicum et regale* is Fortescue’s reforming emphasis on the importance of the royal council. See *Governance,* ch. 15; ed. Plummer, 1885, 145–49, ed. Lockwood, 1997, 114–17. As Burns, 1992, 64, insists: “The council must surely be seen as an important aspect of the pluralistic *dispensatio* which is always essential to ‘politic’ rule.”
93. *De Laudibus,* cap. 13; ed. and trans. Chrimes, 1942, 30–33, ed. and trans. Lockwood, 1997, 20–21.
94. Blythe, 1992, 304; 260–66.
95. Hudson, 1942, 152–53, 168–69.
96. *Governance,* ch. 3; ed. Plummer, 1885, 113–15, ed. Lockwood, 1997, 87–89.
97. *Governance,* ch. 2; ed. Plummer, 1885, 111–12, ed. Lockwood, 1997, 85–86.
98. *De natura legis naturae,* pars prima, cap. 16; ed. Clermont, 1869, 1:77, trans. Lockwood, 1997, 128–29 (italics mine). Cf. Burns, 1992, 60, and Chrimes, 1936, 9.
99. *De natura legis naturae,* prima pars, cap. 24; in Clermont, ed., 1885, 1:85–86. I cite here the concise summation that Burns, 1985, 783, gives of the argument unfolded in this interesting chapter.
100. Fortescue, *De titulo Edwardi IV: Of the Title of the House of York,* and *The Declaracion upon Certayn Writings,* ed. Clermont, 1869, 1:85*, 498, 531. Here I am indebted to Chrimes, 1936, 7–8, where he emphasizes, if only in passing, these interesting affirmations to the effect that the king’s power is “in many things . . . mixt with power spirituall.”
101. For which, see Oakley, 2010, 79–110.
102. Cajetan, *De comparatione auctoritate papae et concilii,* cap. 6; ed. Pollet, 1936, 46–47; trans. Burns and Izbicki, 1997, 25–26, Bellarmine, 1606, 75–76: “La Chiesa non è simile alla Republica di Venetia . . . che la Republica è sopra del Principe. . . . Nè anco è simile ad un Regno terreno, nel quale i popoli transferiscono la sua autorità nel Monarcha. . . . Perche la Chiesa di Christo è un Regno perfettesimo, et una Monarcha assoluta, che non depende da Popoli, nè da esse ha la sua origine, ma depende solo dalla voluntà divina.”

103. At the papal curia itself Bellarmine's framing of that papal power as a mere *potestas indirecta* was viewed as suspiciously minimizing, as itself teetering on the edge of heterodoxy and as calling, therefore for the Roman Inquisition's hostile scrutiny. On which, see Tutino, 2010, esp. 159–210.

104. For which, see above, ch. 4, and below, ch. 8.

105. The text of Cranmer's responses is printed in Burnet, 1830, 4:128–30. They are discussed in Scarisbrick, 1968, 403–4, 415–17. For Foxe's alleged attribution of a *potestas ordinis* to the king, see Baumer, 1940, 82, Morris, 1967, 54, and, more recently, Skinner, 1978, 2:96 n1. But, to the contrary, see Oakley, 1987, 347–53.

106. Gardiner, 1930, sig. Dvi.

107. Gardiner, 1930, in order of citation: sig. Dvi and Eiii, Dvi, Di^{r}–i^{v}, ii^{r}–ii^{v}, Diii^{r}–iii^{v}, Div^{r}–iv^{v}.

108. Tanner, 1951, 41–46.

109. Gardiner, 1930, sig. Dviii, Eiii.

110. Pole, *Pro ecclesiastica unitati defensione,* 1558, cap. 3, fols. lxxxii–cxiiii. Morison, 1539, sig. Avii^{v}, Ci^{v}, Cii^{v}.

111. Taverner, 1539, fol. 14.

112. Anon. Cited in Baumer, 1940, 86. For the well-developed theme of royal Christology in Eusebius and the Anglo-Norman Anonymous, see Oakley, 2010, 89–98, 165–76.

113. For an assessment of the views of de Belloy and Barclay, see Allen, 1960, 383–93.

114. Figgis, 1965, 5–6. Of the more recent scholarly literature on the subject, attention should be drawn to Greenleaf, 1957, 1960, 1964a, and 1964b; Daly, 1978, 1979a, and 1979b; Oakley, 1984, 93–122, criticizing both Greenleaf and Daly; Wootton, 1986, 11–128, which helpfully prints with a lengthy introduction extracts from the divine-right theorists; Sommerville, 1986, 1–56, analyzing English divine right thinking—cf. Sommerville, 1982 and 1991. Burgess, 1992, offers a useful reconsideration critical of both Figgis and Sommerville.

115. Schochet, 1975, 269, neatly summarizes what was involved as follows: "The patriarchal defense of absolutism can be reduced to two propositions and a conclusion that allegedly followed from them: (1) Familial authority is natural, divinely sanctioned and—in its positive form—absolute and unlimited. (2) Political power is natural, divinely sanctioned and—because it still enjoys the ancient and original right of fatherhood—absolute and unlimited."

116. Sommerville, 1991, 358–61 (at 358); Schochet, 1975.
117. *De imperandi authoritate et Christiana obedientia* (1593); ed. London, 1611, 167. Cf. Sommerville, 1986, 32, 1991, 358.
118. See below, ch. 8.
119. Allen, 1960, 387, to whose characteristically crisp analysis I am indebted here.
120. Allen, 1960, 387 n1.
121. William Barclay, *De regno et regali potestate,* Lib. 2; 1600 ed. (Paris), 60–61. Cf. Barclay's later *De potestate papae,* cap. 12; 1609 ed., 94, where he repeats this claim: "Tota antiquitas Christiana semper censuit, Reges solo Deo minores esse, solum Deum judicem habere, nullis legibus humanis subijci, nullisque poenis temporalibus plecti vel coërceri posse, ac proinde quod juris authores dixerunt: 'Princeps legibus solutus est,' . . . id est, videlicet si quid delinquat non punitur."
122. Barclay, *De regno,* Lib. 3, cap. 2 and 6; 1600 ed., 110–14, 140–45 (at 141).
123. *De regno,* Lib. 3, cap. 6 and 16; 1600 ed., 142 and 207–14.
124. *De regno,* Lib. 3, cap. 3; 1600 ed., 114–23.
125. *De regno,* Lib. 4, cap. 10, Lib. 6, cap. 4; 1600 ed., 267–68 and 428.
126. *De regno,* Lib. 3, cap. 14; 1600 ed., 193–94: "Papam scilicet et Principem ex certa scientia, supra jus, contra jus et extra jus omnia posse." Cf. ibid., Lib. 4, cap. 19; 1600 ed., 308.
127. *Basilikon Doron;* ed. McIlwain, 1918, 45.
128. *Trewe Law of Free Monarchies;* ed. McIlwain 1918, 61, 70, 54.
129. Ibid., 64, 61, 55, 57.
130. Ibid., 61, 66, 69.
131. Fortescue, *De laudibus,* cap. 13; ed. Chrimes, 1942, 32–33; trans. Lockwood 1997, 20–23.
132. On which, see the judicious appraisal in Burns, 1996, 1–17.
133. *Basilikon Doron;* ed. McIlwain, 1918, 19–21; *Trewe Law of Free Monarchies;* ibid., 62.
134. The judgment is that of Burns, 1996, 281. The *Meditation* is not included in McIlwain's edition. The text was published separately in 1620.
135. Introduction to McIlwain, ed., 1918, xxiv n5.
136. Greenleaf, 1957, 48, and 1964a, 61. Cf. Greenleaf, 1960 and 1964b.
137. Thus Burns, 1996, 281, concludes that "James's reputation as a ruler and his standing as a political thinker are both a good deal

higher as we near the quartercentenary of his accession in England than they have been for most of the intervening centuries."

138. For which see Greenleaf 1957, 1964a, and 1964b, referring largely to James I's speech to parliament on March 21, 1609, and, by way of background, to Lovejoy's *Great Chain of Being* and E. M. W. Tillyard's *Elizabethan World Picture.* Cf. Daly, 1978, 1979a, and 1979b. For a full critique of Greenleaf's approach, and one on which I draw here, see especially, and in addition to Oakley, 1968 (1999, 249–75), Oakley, 1984, 93–118, 151–58.

139. Oakley, 2010, 40–63, 79–110.

140. Cudworth, *Treatise Concerning Eternal and Immutable Morality,* bk. 1, chs. 1 and 3; in Baird, ed., 1838, 2:369–71. Interestingly enough, he links the reemergence in his own day of such voluntarist ideas not with the Protestant Reformers but with the influence of the late medieval nominalist theologians, with Descartes, and with the revival of "the physiological hypotheses of Democritus and Epicurus" (i.e., with forms of atomism).

141. *Speach;* ed. McIlwain, 1918, 307–8. The other two compare the king to "the head of this Microcosme of the body of man," and to "Fathers of families; for a king is trewly *Parens patriae,* the politique father of his people."

142. Lovejoy, 1936, 31–58. For a brief summary of Lovejoy's overall argument in the *Great Chain of Being,* see Oakley, 1984, 36–38.

143. On which, see, e.g., Oakley, 1984, 60–61, 73–74. For a reasonably succinct analysis of the issues at play here and the evolution of scholarship on the matter over the course of the past half century, see Oakley, 2002.

144. *Speach;* ed. McIlwain, 1918, 307–10.

145. Ibid., 333.

146. For these references (and others) to the invocation of the distinction between the two powers in the English legal and political literature of the fifteenth, sixteenth, and seventeenth centuries, see Oakley, 1968 (1999, 249–75) and 1998b (1999, 318–32).

147. Davies, 1656, 30–32. Similarly, Edward Forset, 1606, 20–21.

148. That further instance occurs in James's letter to the judges in the case of *commendams* where, evoking his "absolute authoritie royall," he lectured them to the effect that "his Majestie had a doble prerogative, whereof the one was ordinary, and had relation to his private interest, which nought bee, and was, every day disputed in Westminster Hall. The other [the absolute] was

of a higher nature, referring to his supreame and imperiall power and soveragntie, which ought not to bee disputed or handled in vulgar argument."—*Acts of the Privy Council of England, 1615–16,* 1925, 602.

149. This older distinction occurred, for example, in Peter Lombard's *Sentences* and in the works of Aquinas, Ockham, Luther, William Perkins, William Ames, Walter Charleton, and Thomas Hobbes. For the pertinent references to these and to other instances of its seventeenth-century deployment, see Oakley, 1984, 156–57 nn62 and 63. For the conflation of *potestas absoluta/ordinaria* and *voluntas beneplaciti/signi* distinctions by Erasmus, Luther, and Hubmaier, see Oakley, 1999, 293 n44, 301 nn62 and 70.

150. And *pace* Greenleaf's endorsement of Hobbes's "sage observation" that "a self-imposed limitation is no limitation at all"—Greenleaf, 1964b, 757, referring to Hobbes's *Leviathan,* 1946, 173.

151. Thus the *Appelation deutcher geistlichen von dem executor des vom papste gefordeten zehntens an dem päpstlichen stuhl* (1352–60), in *Acta imperii inedita,* No. 1182; ed. Winkelmann, 1885, 2:843. Cf. Oakley, 1999, 327 n151.

152. That was, in fact, precisely the conclusion I myself drew in 1984 at the end of a fuller analysis of these statements of James I and of the scholarship pertaining to them. See Oakley, 1984, 93–118.

Chapter 6. The Politics of Consent (i)

1. This is the judgment of Willson, 1956, 168.
2. Taken together, this body of writing occupies some 345 folio pages in the McIlwain edition, 1918, which still omits a few of James's works.
3. Figgis, 1960, 60–61.
4. Though Madicott, 2010, 376–455, has made a persuasive case for concluding that the English parliament, while indeed part of a Europe-wide pattern of representative institutions, was nonetheless something other (or more) than a "local variation of a pan-European theme" and has taken, accordingly, a robust stand in defense of a measure of "English exceptionalism."
5. A point which forms a central theme of Tierney, 1982. There (at 1) he states that "it is impossible to understand the growth of Western constitutional thought unless we consider constantly, side by side, ecclesiology and political theory, ideas about the church and ideas about the state."

6. On all of this, see Oakley, 2012, 138–59.
7. For the "novel twist" in question and the significance of the canonist (as opposed to Romanist) contribution in relation especially to the questions of legal agency and representation, see Oakley, 2012, 148–59.
8. D'Entrèves, 1967, 1–11; cf. 111–49. For the distinctions between *Macht, Herrschaft,* and *legitime Herrschaft,* which d'Entrèves notes are closely related to his own distinctions though not identical with them, see Weber, 1947, esp. 152–53.
9. Hobbes, *Leviathan,* pt. 2, ch. 2; ed. Oakeshott, 1946, 141. Cf. Pateman, 1979, 6: "Liberal theory, and its conception of self-assumed obligation, was born in conflict with divine right and patriarchalist theorists who insisted that relationships of subordination and authority were God-given or natural. It is absolutely basic to liberal theory that political authority is conventional."
10. For all of this, see Oakley, 2012, 138–59. For the contrast between final and efficient causation, see ibid., 100–101.
11. John of Paris, *Tractatus de regia potestate et papali,* cap. 3, 13, 14–15, 19; ed. Bleienstein, 1969, 82, 138, 150–51, 172–73; trans. Watt, 1971, 85, 156–57, 167, 173, 202–3.
12. Thus Blythe, 1992, 92, and Blythe, 1997, vi.
13. On this matter of influence, see Blythe, 1997, 45–49. For Fortescue, see also above, ch. 5, and for Savonarola, Weinstein, 1970, esp. 292–93nn for his verbatim reproduction of Ptolemy's words.
14. Though controversially so. On which, see Oakley, 2012, 105 and 249–50 n27. My references will be given to the edition of the *De regimine principum* in Perrier, ed., 1949, 1: app. 1, 269–426, and to the English translation of the work in Blythe, 1997, 60–288. In framing the remarks that follow, I have found most helpful Blythe, 1992, 92–117, and Blythe, 1997, 1–54.
15. Davis, 1975, 441.
16. *De regimine principum,* Lib. 3, cap. 10 and 19; ed. Perrier, 1949, 328, 330–31, 361–63; trans. Blythe, 1997, 173, 177, 202–4.
17. *De reg. princ.,* Lib. 4, cap. 8; cf. Lib. 4, cap. 2; ed. Perrier, 1949, 380–82, 364–66; trans. Blythe, 1997, 238–39, 219–20, 221.
18. *De reg. princ.,* Lib. 4, cap. 8, 2, 23; ed. Perrier, 1949, 381–82, 364, 412; trans. Blythe, 1997, 238–39, 219, 271.
19. As it was, for example, by the Carlyles, 1907–36, 5:74, where they portray him as being "indifferent" to the pluses and minuses of "regal" versus republican governmental forms. Cf. the

pertinent remarks by Davis, 1975, 412–17.

20. *De reg. princ.*, Lib. 2, cap. 9; ed. Perrier, 1949, 286–87; trans. Blythe, 1997, 124.
21. *De reg. princ.,* Lib. 2, cap. 9, Lib. 3, cap. 11, and Lib. 4, cap. 1; ed. Perrier, 1949, 286, 332, 362; trans. Blythe, 1997, 123, 178, 217.
22. *De reg. princ.*, Lib. 2, cap. 8; 3, cap. 20; 4, cap. 1; ed. Perrier, 1949, 285, 353–54, 355; trans. Blythe, 1997, 123, 205, 208, 215–18.
23. *De reg. princ.*, Lib. 4, cap. 19, cf. cap. 16; ed. Perrier, 1949, 406, 399; trans. Blythe, 1997, 266 and 259.
24. For Bartolus and Baldus, I have relied mainly on Ullmann, 1962, the useful general overview of the postglossators by Keen, 1965, 105–26, the classic study of Bartolus by Woolf, 1913, three articles by Kirschner, 1973, 1974, and 1979, Maiolo, 2007, 217–84, and the more recent account of Baldus's thinking by Canning, 1987. Walther, 1990, 176–86, surveys recent work on Bartolus.
25. For the *lex regia* and the debates surrounding it, see Oakley, 2012, 85–86, 146–47, 263 n32. I should note, with apologies, that in the glancing reference to Bartolus in that volume (at 147), I may have given the impression, by infelicitous and ambiguous wording, that I was attributing to Bartolus himself rather than to his postglossatorial predecessors the idea that the delegation of authority by the Roman *populus* to the emperor was irrevocable. Obviously, neither the Bartolist text I cite there nor the secondary authorities adduced (see 263 n32) would lend credence to such an interpretation. In common with Baldus, he is concerned to argue that with the passage of time the people's concession of authority via the *lex regia* had become irrevocable. See Woolf, 1913, 35–37; Canning, 1987, 55–64. The point I wished to make was the one being made here—namely, that Bartolus had moved on from that particular glossatorial conundrum.
26. Woolf, 1913, 209, 288–89. Cf. Keen, 1965, 111–12.
27. Thus Bartolus, *Comm. ad Dig.,* 1, 3, 23; ed. Taur, 1577, fol. 19 vb: "Usus et mores sunt causa consuetudinis: dico causa remota, non proxima causa est tacitus consensus populi qui colligitur ex usu et moribus." And, again, ibid., 1, 3, 33, fol. 21ra: "Consuetudo sumit vigorem ex tacita populi conventione . . . tacita civium conventione." I cite both of these texts from Ullmann, 1962, 711–12.
28. Ullmann, 1962, 712.

29. Following here, Ullmann, 1962, 712–16, and, for the broader context, Woolf, 2013, 112–207.
30. Ullmann, 1962, 714.
31. Canning, 1987, 159–68. In what follows, I am dependent upon his line of argumentation and upon that of Walther, 1990, 115–39.
32. Bartolus, *Tractatus de regimine civitatis;* ed. Quaglioni, 1983, 153: "Ipsius itaque opinionem ponam et ejus rationes faciam; verbis autem suis vel Aristotelis non utar: illa enim juriste, quibus loquar, non saperent. Utar autem rationibus suis et ipsas per jura probabo; postea quid michi videtur describam."
33. For which, see Oakley, 2012, 48 and 82.
34. Thus Canning, 1987, 167. For final and efficient causality and especially the pertinence to political thinking of the distinction between the two, see Oakley, 2012, 100–102. For a comment on the peripheral status of consent in Aristotle's political thinking, see Gewirth, 1951–56, 1:241–42.
35. Thus, classically, Gewirth, 1951–56, 1:55–56, 147–52, who, on this score, is sharply criticized by Lewis, 1963, 541–82. For a recent attempt to grapple with the issue, see Hamilton-Bleakley, 2006.
36. For the distinction between "traditions of discourse" and "traditions of thought," I am indebted to the thoughtful argument advanced by Lockyer, 1979. For some reflections on the natural law tradition at large, see Oakley, 2005, 13–34.
37. Criticizing Gewirth for implying that Aquinas's theory of law can be taken to be representative of the medieval tradition at large, Lewis, 1963, 543–45, argues that "Aquinas's system was atypical in being so comprehensive and articulate" and "in being elaborated in terms of a cosmic philosophy."
38. Sigmund, 1971, vi–viii.
39. For the juristic tradition of natural law thinking, see Pennington, 2011a and 2011b.
40. *Defensor pacis* (cited henceforth as *DP*) I, 10, 5; ed. Prévité-Orton, 1928, 39; trans. Brett, 2005, 54.
41. *DP* II, 12, 7–8; ed. Prévité-Orton, 1928, 216–17; trans. Brett, 2005, 253–54. For conflicting interpretations of these difficult passages, see Gewirth, 1951–56, 1:147–52, who concludes that "Marsilius natural law simply is positive law"; Lewis, 1963, 543–56, who on that ground calls Gewirth to task; Hamilton-Bleakley, 2006, 126–30, who concludes (142) that "although Marsilius may not have a theory of natural law himself," he may have "an

important story to tell to the natural-law tradition."

42. Thus Hamilton-Bleakley, 2006, 128–29.
43. These questions still await editing and full analysis. See Quillet, 1976, 361–85; cf. Dolcini, 1995, 14–15. On the protracted Parisian phase of Marsiglio's life and career, see Courtenay, 2004 and 2012.
44. *DP* I, 6, 9, 7, 1–3; ed. Prévité-Orton, 1928, 24–27; trans. Brett, 2005, 36–39.
45. "The 'natural' as he conceives it . . . [being] always the primitive, not the perfected"—see Gewirth, 1951–56, 1:34, 35, 50, 52. The whole of the latter's sections 2 and 3, 44–67, is worthy of close perusal.
46. Pighius, *Hierarchiae ecclesiasticae assertio,* Lib. 5, cap. 1; ed. 1551, fol. 200.
47. On which, see Pennington, 2004b.
48. Rubenstein, 1965, 70. For the "republican" interpretation of the *Defensor pacis,* see also Gewirth, 1951–56, 1:222–25, 236–59, 307–17, and idem, 1979; Skinner, 1978, 1:61–65. Cf. Dolcini, 1995, 27, who argues that "Marsitio con Jandun ha cercato di elaborare un nuovo *corpus* di definitizioni politiche attra verso un paramento di confronto di idee aristoteliche con la struttura constitutionale delle città—stato italiane."
49. Rubenstein, 1965, 44–75 (at 70).
50. For Marsiglio's tangled allegiances, the role that career and patronage issues may well have played in redirecting his loyalties, and the importance in general of the Parisian context, see Courtenay, 2012, 70, as well as Miethke, 1980 and 1992, and Courtenay, 2004.
51. *DP* II, 26, 17; ed. Prévité-Orton, 1928, 418; trans. Brett, 2005, 467. Cf. Piaia, 2004.
52. Quillet, 1970, 85, 124; cf. 18, 122. See also De Lagarde, 1934–46 ed., 2, 1970 ed., 3; Gewirth, 1979; Wilks, 1972.
53. *DP* I, 2, 2; ed. Prévité-Orton, 1928, 7; trans. Brett, 2005 11–12. The difficulties with which Marsiglio has presented his translators are evident in the "Notes on the Translation" and comments on "language and translation" with which Brett, 2005, xl–li, and Gewirth, 1951–56, 2:lxvi–xci, both preface their translations. These notes and comments make valuable reading.
54. *DP* 3, 3; ed. Prévité-Orton, 1928, 501; trans. Brett, 2005, 558.
55. Nederman, 1995, 19 (italics mine); cf. Wilks, 1972, 290–92, Black, 1992, 60.
56. *DP* I, 1, 1–4, and 1, 19, 3; ed. Prévité-Orton, 1928, 1–4, 101;

trans. Brett, 2005, 3–7, and 127–129.

57. *DP* I, 1, 7; ed. Prévité-Orton, 1928, 5–6; trans. Brett, 2005, 9.
58. *DP* I, 1, 8; ed. Prévité-Orton, 1928, 6; trans. Brett, 2005, 9.
59. *DP,* ibid. For contemporary reactions to the *Defensor pacis,* see Garnett, 2006, 14–48.
60. *DP* I, 1, 6 and 3, 3; ed. Prévité-Orton, 1928, 5 and 500; trans. Brett, 2005, 8 and 557.
61. *DP* I, 3 and 4; ed. Prévité-Orton, 1928, 41 and 47–48; trans. Brett, 2005, 57 and 63.
62. For the characterizations of Aristotle in question, see *DP* I, 11, 2 and 8; ed. Prévité-Orton, 1928, 9–14; trans. Brett, 2005, 14–21.
63. On this point, see the probing analysis of Gewirth, 1951–56, 1:83–91, esp. 90, where he says: "There is nothing in man's nature which *directly* corresponds to and evokes a life of political association. The state is a result of man's desire for a sufficient life; but since that desire is biological rather than moral or intellectual, its immediate object is the food or shelter without which men cannot live."
64. *DP* I, 4, 1 and 3; ed. Prévité-Orton, 1928, 11–13; trans. Brett, 2005, 18–19.
65. *DP* I, 4, 4; ed. Prévité-Orton, 1928, 13–14; trans. Brett, 2005, 20.
66. *DP* I, 5, 4; ed. Prévité-Orton, 1928, 16; trans., Brett, 2005, 24–25. The terms Marsiglio uses are *immanentes* and *transeuntes.* Brett's choice of "transitive" to translate the latter is, I think, more appropriate than Gewirth's "transient," as it sidesteps the connotations of temporal evanescence evoked by the latter.
67. For Aquinas's similar intuition that the interior disposition of the will and intentionality falls under the aegis of divine, not human, law and lies beyond the reach of the polity, which can regulate only the external actions of its subjects and citizens, see Oakley, 2012, 117–18, 137.
68. *DP* I, 5, 7 and 1, 10, 1; ed. Prévité-Orton, 1928, 17 and 36–37; trans. Brett, 2005, 26 and 51.
69. *DP* I, 10, 3; ed. Prévité-Orton, 1928, 38–39; trans. Brett, 2005, 53–54. *DP* 1, 10, 4; ed. Prévité-Orton, 1928, 38–39; trans. Brett, 2005, 53–54.
70. *DP* I, 10, 4; ed. Prévité-Orton, 1928, 38–39; trans. Brett, 2005, 53–54.
71. *DP* I, 10, 3–4; ed. Prévité-Orton, 1928, 37–38; trans. Brett, 2005, 52–53.
72. *DP* I, 12, 3, 7, 8; ed. Prévité-Orton, 1928, 49–50, 52–53; trans. Brett, 2005, 66–67, 70–71.

73. *DP* I, 13, 2, 5, 6 and 7; ed. Prévité-Orton, 1928, 55–56, 58–59; trans. Brett, 2005, 74–75, 77, 78–79. For (cap. 5, 77) the learned few "might not perceive or will the common benefit as well as the entire multitude of citizens."
74. *DP* I, 13, 8; ed. Prévité-Orton, 1928, 59–61; trans. Brett, 2005, 79–80. The whole of chapter 13 is, on these matters, worthy of close scrutiny.
75. Tierney, 1997, esp. 108–18. For some discriminations among various forms of consent, medieval and modern, see Oakley, 2012, 139–48.
76. Lewis, 1954, 1:160. Gewirth, 1951–56 1:199, comments that the basic units of Marsiglio's concept of the "people" are "not individuals but classes or functional groups."
77. *DP* I, 12, 5; ed. Prévité-Orton, 1928, 50–51; trans. Brett, 2005, 68–69.
78. *DP* I, 12, 3 and 5; ed. Prévité-Orton, 1928, 49–51; trans. Brett, 2005, 67–68. Thus (50): "pars valentior, quae totam universitatem repraesentat."
79. E.g., *DP* I, 7, 3 and 1, 12, 3; ed. Prévité-Orton, 1928, 27 and 49; trans. Brett, 2005, 38–39, 66.
80. See above, ch. 2.
81. See above, ch. 2.
82. DP II, 26, 5; ed. Prévité-Orton, 1928, 401; trans. Brett, 2005, 459, where Marsiglio refers back to *DP* I, 12, and 13, where he had suggested, rather vaguely, that "the prevailing part of the citizens should be identified from the honourable custom of polities."—*DP* I, 12, 4; ed. Prévité-Orton, 1928, 50; trans. Brett, 2005, 67–68.
83. *DP* I, 10, 2; ed. Prévité-Orton, 1928, 37; trans. Brett, 2005, 51.
84. *DP* I, 4, 4–5, and I, 5, 1, and, for a fuller discussion of the parts of the city, I, 5, 2–13, and 7, 1–3; ed. Prévité-Orton, 1928, 13–21, 26–28; trans. Brett, 2005, 20–30, 37–39.
85. In order of citation, *DP* I, 18, 3; 1, 18, 4; 1, 5, 2; ed. Prévité-Orton, 1928, 68, 101, 17; trans. Brett, 2005, 89, 128, 26.
86. *DP* I, 8, 4; ed. Prévité-Orton, 1928, 29; trans. Brett, 2005, 42: "To speculate," he says, "about which may be the best of the temporal forms of principate, or which the worst of the flawed, and the relative ranking of the rest in terms of goodness or badness is not our present concern." Similarly, *DP* I, 17, 10; ed. Prévité-Orton, 1928, 94; trans. Brett, 2005, 120.
87. *DP* I, 16; ed. Prévité-Orton, 1928, 75–89; trans. Brett, 2005, 98–113.

88. *DP* I, 17, 1–9; ed. Prévité-Orton, 1928, 89–94; trans. Brett, 2005, 114–20.
89. *DP* I, 15, 10, and 3, 3; ed. Prévité-Orton, 1928, 72–73, 500–501; trans. Brett, 2005, 95, 552–58.
90. *DP* I, 15, 2–3, and 3, 3; ed. Prévité-Orton, 1928, 67–68, 500–501; trans. Brett, 2005, 88–90, 557–58.
91. Lewis, 1954, 1:159, describes what Marsiglio has to say on the topic as "the first systematic statement of the popular basis of authority."
92. Here the critical text is *DP* I, 12, 6; ed. Prévité-Orton, 1928, 51–52; trans. Brett, 2005, 69–70.
93. Gewirth, 1951–56, 1:225. The whole section from 219–25 is worthy of close scrutiny. So, too, are the pertinent concluding reflections in Nederman, 1995, 143–47.
94. See above, ch. 2, and esp. n143, for the more recent scholarship pertaining to Ockham's thinking at large and his political thinking in particular. In the remarks that follow I depend particularly on McGrade, 1974, 1980, and 1999, on Tierney, 1997, and on Shogimen, 2007.
95. On which, see especially Shogimen, 2007, 232–62, where he seeks to demonstrate that "the fundamental concern underlying all of Ockham's political writings, including his works on temporal power is the defence of human liberty, the liberty that enables each individual to pursue a virtuous life in both the spiritual and temporal spheres of the collective life."
96. Constable, 1996, 156–61; cf. Oakley, 2012, 22–24.
97. Tierney, 1997, 68.
98. Ibid., 186.
99. *Octo quaestiones,* III, cap. 8; in Offler et al., eds., 1940–97, 1:109–10; trans. McGrade and Kilcullen, 1995, 319. Cf. McGrade, 1974, esp. 112–16 and 123, where he comments that "Marsilius's political doctrine is like Ockham's in the moderation of its goal, the preservation of a rather mundane state of peace."
100. On which, see above, ch. 2.
101. Tierney, 1997, 170–94.
102. Ibid., 188.
103. *Breviloquium de principatu tyrannico,* Prologue; ed. Offler et al., 1940–97, 4:97; trans. McGrade and Kilcullen, 1997, 3.
104. *Breviloquium* IV, cap. 10; ed. Offler et al., 1940–97, 4:214; trans. McGrade and Kilcullen, 1997, 124.
105. Tierney, 1997, 183. Cf. 193, where he notes that Ockham

"derived both natural rights and natural law from 'right reason,' from an underlying view of the human person as rational, free, and morally responsible."

106. III *Dialogus* II, Lib. 3, cap. 6. The most readily available edition of the *Dialogus* is in Goldast, 1611–13, vol. 2, 392–957, but the text in the pertinent section under discussion has proved to be corrupt and reference should be made instead to the text established from the manuscript tradition by H. S. Offler, 1977, 202–18. Cf. the English translation made from the Offler text by McGrade and Kilcullen, 1995, 287.

107. III *Dialogus* II, Lib. 3, cap. 6; ed. Offler, 1977; trans. McGrade and Kilcullen, 1995, 286–93.

108. McGrade and Kilcullen, 1995, 282. McGrade and Kilcullen, trans., 1995, 290.

109. III *Dialogus* II, Lib. 3, cap. 6; ed. Offler, 1977; trans. McGrade and Kilcullen, 1995, 290–91. For *quod omnes tangit* and the role it played in medieval constitutional thought, see Oakley, 2012, ch. 6.

110. McGrade, 1974, 108 and n82, where he adds that "so far as I have been able to determine, Ockham never construes political consent as a matter of individual agreement to the powers and laws of government, nor, in particular, do I know of any text which suggests that all have to agree upon what the dictates of right reason are." De Lagarde, 1956–70, 4:232, is of course more negative in his judgment, concluding that for Ockham "le peuple souverain est vraiment enfermé en d'étroites lisières."

111. For Cusa, his political thinking, and its immediate context, I have found most helpful Sigmund, 1963, Watanabe, 1963 and 2011, Christianson, 1979, Black, 1979, Hopkins, 1982. For Wessel Gansfort, see Oakley, 1988, along with Ogilvie, 1975, and Ullmann, 1975.

112. *De concordantia catholica* (*DCC*) III, proemium, para. 290; ed. Kallen, 1932–68, 14:326; trans. Sigmund, 1991, 214.

113. *DCC* III, cap. 4, para. 336, and cap. 5, para. 341–42; ed. Kallen, 1932–68, 14:351 and 354; trans. Sigmund, 1991, 232 and 234.

114. In this he may have drawn directly on the Spanish author Raymond Lull (1235–1315) or indirectly via his own teacher at Cologne, Heimericus de Campo (d. 1460). Sigmund, 1963, 39–66, is very helpful on this particular strand in Cusa's thinking.

115. On whom, see Oakley, 2010, 209–10, 213.

116. Sigmund, 1963, 48. I draw here on this whole chapter concerning Christian Neoplatonism and philosophical

antecedents (39–66). For the importance of the Pseudo-Dionysiac writings in the earlier medieval development of the high papalist ideology, see Oakley, 2010, 209–10, 213. For Raymond Lull and Heimericus de Campo, see Watanabe, 2011. Cusa's library, preserved intact at the still-extant foundation which he established at Kues, contains significant manuscript holdings of the works of both Pseudo-Dionysius and Lull.

117. Cf. the comment of Watanabe, 1963, 135.

118. *DCC* II, cap. 32, para. 233; ed. Kallen, 1932–68, 14:276; trans. Sigmund, 1991, 181–82. Here Cusa has just argued (para. 232), speaking specifically of ecclesiastical appointments, that "no one is to be appointed over unwilling subjects," and that "if there is a single spiritual body composed of the bishop and his people, then consent seems to be necessary" for "a hostile populace would despise a bishop whom they did not wish to have."

119. *DCC* II, cap. 14, para. 127; ed. Kallen, 1932–68, 14:162; trans. Sigmund, 1991, 98.

120. *DCC* III, cap. 4, para. 328, 331, and 332; ed. Kallen, 1932–68, 14:346–48; trans. Sigmund, 1991, 229–30.

121. *DCC* III, proemium, para. 279; ed. Kallen, 1932–68, 14:319; trans. Sigmund, 1991, 209.

122. Sigmund, 1991, xxiv.

123. Note *DCC* III, cap. 4, para. 331; ed. Kallen, 1932–68, 14:348; trans. Sigmund, 1991, 230, where Cusa says: "While recognizing himself as the creature, as it were, of all his subjects as a collectivity, let him [i.e., the ruler] act as their father as individuals."

124. *DCC* III, proemium, para. 268–90; ed. Kallen, 1932–68, 14:313–26; trans. Sigmund, 1991, 205–14, where he speaks at para. 270 of social life as being maintained by laws adopted "with the common consent of all—or, at least, the consent of the wise and illustrious and the agreement of the others." Cf. para. 283, where he speaks of election "by all or a majority or at least by those mortals who represent everyone with their consent." Marsiglian influence is particularly evident in this preface, with the choice of texts cited from Aristotle's *Politics* and the very misreadings of those texts nearly always mediated via what Marsiglio has had to say in the *Defensor pacis.* See Sigmund, 1962, and Sigmund, 1963, 146–57. The reference to the *valentior pars* occurs in para. 270.

125. *DCC* III, proemium, para. 275, 276; ed. Kallen, 1932–68, 14:317–18; trans. Sigmund, 1991, 208.

126. *DCC* II, cap. 19, para. 168; ed. Kallen, 1932–68, 14:205; trans. Sigmund, 1991, 128.

127. Sigmund, 1963, 155.

128. It is printed in Gansfort's *Opera omnia,* 1614, 748–71, to which my references will be given. There is also an English translation of the work in Miller, 1917, 2:151–84. For biographical information, see van Rhijn, 1917, Post, 1968, 676–80. In what follows, I draw mainly on Oakley, 1988. But cf. Ogilvie, 1975, and Ullmann, 1975, 305–6.

129. *De dignitate;* in *Opera omnia,* 1614, 254–55, 766, and 769.

130. *De dignitate;* in *Opera omnia,* 1614, 754, 756–67, 768–70, and esp. 765–66, where he focuses on the authority of kings and of the supreme magistrates "in every well-framed commonwealth."

131. Thus Ullmann, 1975, 305–6, where he adds that "linked with this is . . . [his] aversion from the objective, collectivist, corporational standpoint."

132. Gansfort, "*De sacramentis eucharistiae et audienda Missa; Opera omnia,* 1614, 670. Also his *De certissima et benignissima Dei providentia;* ibid., 711, 712–13, 723–24—esp. 714, where he says: "Licet secundae causae verae causae sunt, comparative tamen solum occasiones habendae, ut vere omnis cura et cogitatus noster in illum [i.e., deum] projiciator."

133. As Gansfort is at pains to emphasize—see Ogilvie, 1975, 127–28.

134. *De dignitate; Opera omnia,* 1614, 756–57, 766.

135. *De dignitate*—the section entitled "Quantum subditi Praelatis et superioribus suis obedire obligantur"; *Opera omnia,* 1614, 765–66.

136. Ullmann, 1975, 305.

137. Lilburne, *Regall Tyrannie Discovered,* 1647, 6–7; cf. idem, *London's Liberty in Chains Discovered,* 1646, 17, and the "Postscript" to his *The Free Man's Freedom Vindicated,* 1646, this last reprinted in Woodhouse, ed., 1951, 317–18. For the importance of the contribution such English sectarians made to the development of consent theory, see below, ch. 8.

138. For such proto-constitutionalist developments, see Oakley, 2012, ch. 6.

139. See above, ch. 5.

140. Quillet, 1988, 565–68; Grinaschi, 1960, 116–20. Cf. Nicole Oresme, *Le Livre de Politiques d'Aristote,* bk. 6, ch. 12, fols. 231d–232b, and bk. 7, ch. 25, fol. 227b; ed. Menut, 1970, 274 and 319.

141. As the Carlyles, 1903–36, 6:241–49, seemed to think when, focusing on what they viewed as the properly "political" component in the thinking of the early sixteenth-century scholastics John Mair (Major) and Jacques Almain, they opted to

exclude from consideration what those thinkers had to say about the governance of the church. As they say (247), referring to John Mair's work, "we are here only concerned with its *political* principles" (italics mine).

142. Thus Tierney, 1982, esp. 1–7.

Chapter 7. The Politics of Consent (ii)

1. See above, ch. 5, n102.
2. Bellarmine, 1606, 75–76.
3. De Maistre, 1966, 42. Cf. Oakley, 2003, 198–202.
4. See above, ch. 5.
5. Figgis, 1960, 47.
6. For this highly successful effort on Torquemada's part, see Izbicki, 1981, 19, 42–44, 53; also idem, 1986, 7–20.
7. See above, ch. 6.
8. Heimpel, 1932, 77–121.
9. For the alleged impact of Marsiglian ideas on Gerson, St. German, and Starkey, see Oakley, 2000, 224–39, and 2006c, 179–81.
10. Thus, e.g., Wenck, 1896, 32–35; Haller, 1903, 342–43; Hirsch, 1903, 20–33, 41–54, 73f.
11. For d'Ailly's dependence on Ockamist ideas, see Oakley, 1964, 200–204 (see 203 for the fact that Jacques Almain had taken note of that dependence already in the early sixteenth century). Though I print (ibid., at 203) a short fragment of the *Abbreviatio,* the bulk of it is available only in manuscript form—Paris, Bibliothèque Nationale de France, *Ms. Lat.* 14.579, fols. 88v–101v.
12. Franzen, 1965, 46; Bäumer, 1971, 14–15.
13. Brandmüller, 1968–74, 1, Vorwort; Fasolt, 1991, 318–19. Cf. Alberigo, 1981, 344–45.
14. Especially so in light of the eminently sensible judgment handed down by Tierney, the distinguished historian of conciliarist origins, to the effect that while "in strict accuracy . . . one should speak of a collection of conciliar proposals rather than of the 'Conciliar theory,'" it remains true that "there was sufficient unity of thought among the various writers to render the latter expression significant and useful."—Tierney, 1998, 5.
15. On which, for Gerson, see Posthumus Meyjes, 1999, 226, 246, 289, 311–12, 318, 342–48. For Almain, see his *Expositio circa*

decisiones Magistri Guilelmi Occam super potestate ecclesiastica and his *Tractatus de auctoritate ecclesiae et conciliorum,* in Dupin, ed., 1706, 2:1037, 1041, and 980.

16. Schwab, 1858, 482–87.
17. On which, see Heimpel, 1932, 77–121, and Sigmund, 1962, 392–402.
18. *Defensor pacis* (*DP*) I, 1, 8; ed. Prévité-Orton, 1928, 6; trans. Brett, 2005, 9.
19. *DP* II, 18, 1; ed. Prévité-Orton, 1928, 305; trans. Brett, 2005, 352. Cf. *DP* II, 28, 9; ed. Prévité-Orton, 1928, 441; trans. Brett, 2005, 492, where Marsiglio reveals his anxiety about repeating "the same thing too often." For Aegidius's more blunt reference to the "many" among his expected readership "whose intellect is dull and gross," Oakley, 2012, 195.
20. For Marsiglio's use of historical and canonistic materials, see Garnett, 2006.
21. *DP* I, 1, 8; ed. Prévité-Orton, 1928, 6; trans. Brett, 2005, 9.
22. *DP* I, 1, 4 and 7; ed. Prévité-Orton, 1928, 3–4, 6; trans. Brett, 2005, 7 and 9.
23. DP II, 16, 15; ed. Prévité-Orton, 1928, 284; trans. Bress, 2005, 330.
24. *DP* I, 1, 3; ed. Prévité-Orton, 1928, 3; trans. Brett, 2005, 6.
25. *DP* II, 1, 5; ed. Prévité-Orton, 1928, 114–15; trans. Brett, 2005, 142–43.
26. *DP* II, 27–30; ed. Prévité-Orton, 1928, 423–91; trans. Brett, 2005, 473–541.
27. Thus, in order of citation, *DP* II, 1, 1, 3 and 5 (cf. II, 26, 14), II, 16, 11, and II, 8, 9; ed. Prévité-Orton, 1928, 111–12, 113, 114–15 (cf. 413–14), 281–82, 183–84; trans. Brett, 2005, 139–40, 141, 142 (cf. 463), 328, and 218–19.
28. Thus Brett, ed., 2005, Introduction, xxvii–xxviii, having already noted that Marsiglio had not been "afraid to put in front of his readers" the thesis "that the source of human salvation was also the source of political damnation."
29. *DP* II, 23, 4; ed. Prévité-Orton, 1928, 362; trans. Brett, 2005, 411. Cf. *Defensor minor,* cap. 11, §§ 2, and 13, §§ 8, 14, § 4, § 1; ed. Jeudy and Quillet, 1979, 246–48, 274–76, 276–88; trans. Nederman, 1999, 26, 48–49, 51–53. And above, ch. 2.
30. *DP* II, 4, 9; ed. Prévité-Orton, 1928, 134–35; trans. Brett, 2005, 166.
31. *DP* II, 4, 4; ed. Prévité-Orton, 1928, 131; trans. Brett, 2005, 161.

32. *DP* II, 4, 13; ed. Prévité-Orton, 1928, 145; trans. Brett, 2005, 175.
33. *DP* II, 13, 6, 17, 33, 35; ed. Prévité-Orton, 1928, 226, 230, 238–39, 240; trans. Brett, 2005, 267, 271, 281, 282–83.
34. *DP* II, 16, 10, 1, 4, 5, and 6; ed. Prévité-Orton, 1928, 280, 273, 275–78; trans. Brett, 2005, 326, 319, 322, 324.
35. *DP* II, 16, 5, and 6; ed. Prévité-Orton, 1928, 277; trans. Brett, 2005, 323–24.
36. For this distinction, the further subdivision of the power of jurisdiction, and the history of the distinction in general, see *Dictionnaire de droit canonique,* 7 vols.; 1935–65, 7:98–100, s.v. "Pouvoirs de l'église." Cf. Oakley, 2010, 104, 169–70; Oakley, 2012, 131–32. See also Benson, 1968, whose whole book comes close to being an extended commentary on the development of the demarcation between "orders" and "jurisdiction."
37. Oakley, 2012, 221–22.
38. *DP* II, 8, 7, II, 7, 5, II, 9, 1, and II, 9, 8; ed. Prévité-Orton, 1928, 182–83, 177–78, 186, 192; trans. Brett, 2005, 216–17, 221, 227.
39. *DP* II, 15, 2, cf. I, 19, 5; ed. Prévité-Orton, 1928, 264, 103; trans. Brett, 2005, 310–11; cf. 130–31.
40. *DP* II, 7, 1; ed. Prévité-Orton, 1928, 174; trans. Brett, 2005, 208, where he sums up what was said about the power of the keys in cap. 6 and which calls for closer scrutiny. See Prévité-Orton, ed., 1928, 264, 103; trans. Brett, 2005, 310–11; cf. 130–31.
41. *DP* I, 5, 13 and 7, 3; ed. Prévité-Orton, 1928, 20–21, 27; trans. Brett, 2005, 30 and 39.
42. For all of this see *DP* II, 15, 1,6 and 17; ed. Prévité-Orton, 1928, 263–304; trans. Brett, 2005, 309–51. (See esp. 309, 314, 317–18, 319, 335.)
43. See above, ch. 2.
44. Brett trans., 2005, Introduction, xxx.
45. *DP* II, 21, 1, 2, 4; ed. Prévité-Orton, 1928, 327–28, 329–31; trans. Brett, 2005, 376–77, 378–80.
46. *DP* II, 16, 9, II, 22, 10, II, 23, 1, and 13; ed. Prévité-Orton, 1928, 279–80, 349–50, 359, 367–68; trans. Brett, 2005, 326, 398–99, 408, 417.
47. *DP* II, 26, 11, I, 1, 6; ed. Prévité-Orton, 1928, 406–13, 5; trans. Brett, 2005, 457, 8. No more than "quasi-providentialist" because I think that Garnett, 2006, 75–76, while conceding that "Marsilius's Roman imperial providentialism is far more subtle and understated" than that of Dante (he speaks of Dante's "overt Orosian candour"), still exaggerates and forces the texts when he

speaks of it as “no less intrinsic to his argument.”

48. Gewirth, 1951–56, 4 n6, 175.
49. See Oakley, 1977, 130–32, where I suggest that while the effect of classifying Marsiglio as a conciliarist was formerly to make conciliarism in general look more radical than it was, the effect of latter years has been to make the conciliar theorists of the classical era of Constance and Basel look by comparison more conservative as a group than they were and certainly to obscure the differences that existed within their ranks.
50. Shogimen, 2007, 239, comments pertinently that “Ockham’s interest in secular power is no more than an extension of his concern with ecclesiastical power. Ockham’s polemical writings never touch upon secular politics without discussing ecclesiastical power.”
51. See above, ch. 6. This whole issue Ockham addresses in III *Dialogus* III, II, cap. 4–13; ed. Goldast, 1611–13, 2:929–55; chs. 5–7 are translated in McGrade and Kilcullen, trans., 1995, 281–98.
52. Thus Lewis, 1954, 2:549. For the general argument see I *Dialogus,* Lib. 6; ed. Goldast, 1611–13, 2:507–634. For the following remarks on Ockham’s views concerning the general council, I am indebted to De Lagarde, 1956–70, 5:53–86, and Tierney, 1954.
53. *Octo quaestiones,* qu. 1, cap. 17; ed. Offler et al., 1940–97, 1:63, and I *Dialogus* Lib. 5, 85; ed. Goldast, 1611–13, 2:603–5 for *quod omnes tangit*. Cf. McGrade, 1974, esp. 48–63, 107–9.
54. See above, chs. 2 and 6.
55. De Lagarde, 1956–63, 5:53.
56. Tierney, 1954, 60–61.
57. I *Dialogus* III, Lib. 3, cap. 9; ed. Goldast, 1611–13, 2:826–27: “Sola ecclesia universalis illam congregationem perfectissime repraesentat.” Cf. De Lagarde, 1956–63, 5:66–74.
58. I *Dialogus,* Lib. 5, 35; ed. Goldast, 1611–13, 2:494.
59. I *Dialogus,* Lib. 6, 64; ed. Goldast, 1611–13, 2:571.
60. Thus De Lagarde, 1956–70, 5:86.
61. Tierney, 1954, 69–70.
62. See Oakley, 2012, chs. 4, 6, and 7.
63. Cyprian, *Ep.* 68; in *CSEL,* 3(2), 246, lines 3–5.
64. Burns, 1992, 127.
65. For the importance both of the *Decretum,* the standard textbook on which aspiring canonists cut their juristic teeth, and of the

vast body of commentary it inspired, see Oakley, 2012, 50–51, 81–91.

66. This is very evident, for example, in the battery of references one finds in a work like Pierre d'Ailly's *Tractatus de materia concilii generalis* (1402/3), ed. Oakley, 1964a, 252–342.
67. Tierney advanced his thesis in his *Foundations of the Conciliar Theory,* first published in 1955. The revised edition of 1998 has a discussion of the subsequent scholarly literature. For a fuller account of his argument, see Oakley, 2003, 106–10, and for an appraisal in light of subsequent scholarship, Oakley, 1996 (reprinted in Oakley, 1999, 73–95).
68. Tierney, 1955, 240 (1998, 217).
69. For John's thinking, see Oakley, 2012, 207–19.
70. Tierney, 1955, 36, 245 (1998 ed., 32–33, 222). He notes (177; 1998 ed., 161) that John of Paris in his *Tractatus de regia potestate et papali* did succeed in the early fourteenth century in producing "by far the most consistent and complete formulation of doctrine before the outbreak of the Great Schism." Cf. Oakley, 2012, 207–19.
71. In what follows, I draw especially on the extended analyses in Oakley, 1969, 1977, 1981, and 2003.
72. Jedin, 1952–61, 1:9. For William Durand, see Fasolt, 1991.
73. These words—cited by the conciliarist Pierre d'Ailly in his *Tractatus de ecclesiastica potestate* (1416); ed. Dupin, 1706, 2:329–30—are taken from the alleged *professio fidei* of Pope Boniface VIII. For which, see Baluzius and Mansi, 1761–64, 3:418. In relation to this quasi-oligarchic tradition, see the brief account in Oakley, 2003, 68–69, recapitulating the interpretation proposed by Tierney, 1955, but taking note of the dissent registered by Watt, 1971, who argued that the canonists stopped short of according the cardinals any "authority to limit papal power" and did not advance, therefore, a "theory of curial constitutionalism." Cf. Alberigo, 1969, 97–109, 144–57, and Grison, 1992.
74. For d'Ailly's views on mixed monarchy, the role of the cardinalate in the governance of the church, see Oakley, 1964a, 53, 117–29. He sets them forth in his *Tractatus de materia concilii generalis,* ed. Oakley, 1964a, and in his *Tractatus de ecclesiastica potestate,* ed. Dupin, 1706, 2:329–30. For Gerson's cognate if less fully developed version, see Blythe, 1992, 248–52; Oakley, 2006c, 186–87.
75. *De potestate ecclesiastica;* ed. Glorieux, 1960–73, 6:233, 247–48. Cf. his sermon *Prosperum iter faciat nobis,* in ibid., 5:478–79.

76. *Tractatus de regia potestate et papali,* cap. 24 and 25; ed. Bleienstein, 1969, 200–201, 206–7; trans. Watt, 1971, 241–43, 249–50. Cf. cap. 13; in Bleienstein, ed., 1969, 138; trans. Watt, 1971, 159.
77. *Tractatus,* cap. 19; ed. Bleienstein, 1969, 175; trans. Watt, 1971, 206–7. Cf. the discussion in Blythe, 1992, 139–57, and Oakley, 2012, 215–17.
78. *Tract. de eccl. pot.;* ed. Dupin, 1706, 2:946. Cf. John of Paris, *Tractatus,* cap. 19; ed. Bleienstein, 1969, 175; trans. Watt, 1971, 207. Also Oakley, 1964a, 118–19.
79. *De concordantia catholica* II, cap. 18, para. 163; ed. Kallen, 1932–68, 14:199; trans. Sigmund, 1991, 124. The members of the Roman Senate had been called *pars corporis imperatoris* and the term *pars corporis papae* had made its first appearance in the eleventh century. See Ullmann, 1955, 321.
80. *Tract. de eccl. pot.*; ed. Dupin, 1706, 2:929–30.
81. *Tractatus de schismate;* ed. Schardius, 1566, 688–711. I paraphrase here the analysis of Zabarella's position in Tierney, 1955, 220–37 (1998, 199–214); similarly, Ullmann, 1948, 191–231.
82. Zabarella, *Tractatus de schismate;* ed. Schardius, 1566, 692–93, 702.
83. Ibid., 690: "Collegium cardinalium repraesentat universalem ecclesiam, et ejus vice funguntur." Cf. ibid., 698, 711.
84. For a concise appraisal, see Tierney, 1955, 236–37 (1998 ed., 214).
85. See Watanabe, 1963, Black, 1970, Kaminsky, 1983, Nörr, 1964, Swanson, 1979, and Alberigo, 1981.
86. Following here the interpretation proffered by Black, 1970, 1979, and 1988. The works cited above appear in this last at 580.
87. Echoing here Oakley, 1981, 796–98.
88. For these latter thinkers see below, ch. 8.
89. Above, ch. 5.
90. Burns, 1992, 9. Cf. Black, 1970, esp. 85–129, and also Black, 1979. Similarly, Stieber, 1978, 132–250.
91. And that despite Segovia's evocation in his conciliar thinking of the civic republican tradition. I draw here and in what follows on Oakley, 1981, where the argument is developed and documented in its fullness. In the appendix to that article extracts from the unprinted manuscripts and most pertinent printed texts are reproduced.

92. Lubac, 1944. Also Kantorowicz, 1957, 211–12.
93. Black, 1970, 14, and 1977, 273–91. This last speaks with specific reference to the views of Heimeric van de Velde (= de Campo), d. 1460.
94. See esp. John of Segovia's speech at Mainz in 1441; ed. Weigel et al., 1898–1939, *Deutsche Reichstagsakten,* 15:648–759 (at 682–83). For a discussion of this and related texts, see Black, 1970, 14–15, 45–47, 109–12.
95. Black, 1970, 7–9, 1976, 341–51 (at 351), 1979, 2 and 83. Oakley, 1969, 375–76.
96. Black, 1970, 8.
97. See above, n12. Similarly Andresen, 1966, who, in more elaborate fashion, distinguishes successive phases in an earlier "curialist conciliarism" modulated at Constance into a predominantly "ecclesiological conciliarism," only to be nudged to one side during the Basel years by a species of "democratic conciliarism."
98. Oakley, 2012, ch. 6.
99. See above, ch. 6.
100. Kley, 1996, 37; cf. Martimort, 1953, 544.
101. Kley, 1996, 226–27, 365.
102. Writing under the pseudonym of "Quirinus," 1870, 2:778 n1 (appended to Letter 66).
103. For this whole matter of the conciliarist legacy to secular political and constitutionalist thinking, see Oakley, 2003, 216–49.
104. Maxwell, 1646, 6, 12, 14–16; cf. 104.
105. Ferne, 1643a, sig. A3. Cf. his *Conscience Satisfied,* 1643b, 38–39. Similarly, Owen, 1610, 43–46, 48, 50–51.
106. Gierke, 1900, 49–58; Acton, 1910, 17 (a lecture delivered at Cambridge in the 1890s, cf. Burns, 1992, 10 n14); Murray, 1930, 101; McIlwain, 1932, 348 n2; Laski, 1936, 838; Sabine, 1937, 326–27; Oakley, 1962, 1969, 2003; Burns, 1963 and 1992, 10–12; Rueger, 1964; Pérez, 1964, 161–64; Skinner, 1978, 2:42–47, 114–23, 227–28, and Skinner, 1980; Black, 1988, 5, 86–87, and 1992, 166–78; Burns and Izbicki, eds., 1997, ix–xiii. See below, ch. 8.
107. Figgis, 1960 (1907), 46–48, 63. For an appraisal of Figgis's claims and an affirmation of their partial rectitude, see Oakley, 1969, and 2003, 222–49.
108. Thus Mesnard, 1936, Carlyle and Carlyle, 1903–36, 6:163–67, Allen, 1960, Morris, 1953, Franklin, 1979, if they betray any

consciousness at all of conciliar thinking, appear to have regarded it, and in its sixteenth- no less than its fifteenth-century expression, as irrelevant, strictly speaking, to the history of political thought. Again, Morrall, 1962, 126–27, and Ullmann, 1961, 288–315 (also 1965, 219–25, 313–14), have expressed reservations about the very coherence of conciliar theory as a *political* or constitutionalist theory. And Nederman, 1990, has launched a frontal assault against the claims of Figgis and of other historians whom he lumps together with him (a trifle condescendingly) as "neo-Figgisites." For a reasonable sense of the issues in play, see Nederman, 1990, Oakley, 1995 (a critique of Nederman's position), and Nederman, 1996 (a reply to Oakley). The effectiveness of such oppositional voices, I would suggest, has been undercut by one or other (or all) of the following defects: a confusingly loose-limbed deployment of the terms "medieval" and "modern," a failure to grasp the precise import of the strict conciliar theory, an odd attempt to comprehend early modern constitutionalism within rigid categorizations framed anachronistically in terms of twentieth-century constitutionalist norms.

109. Black, 1992, 169, 178.

Chapter 8. The Watershed of Modern Politics

1. For Selden's own affinity with the ideas of that "Low Country" man, Hugo Grotus, see Tuck, 1991, 522–29.
2. On these issues I must content myself here with referring the reader to Höpfl, 2004, Kossman, 1960, Van Gelderen, 1992, to the older works of Church, 1941, and Pocock, 1957 (2nd ed., 1987), to the pertinent articles of Kelley, Lloyd, Sommerville, and Weston in *The Cambridge History of Political Thought, 1450–1700,* ed. Burns and Goldie, 1991, as well as to Sommerville, 1986. For a brief overview of the contributions of Althusius, the Jesuit thinkers, and others to the development of early modern consent theory, see Oakley, 1983.
3. Bouwsma, 1968, 297, is responsible for this felicitous designation.
4. On the importance of the English experience, see Burns, in Burns, ed., 1988, 6.
5. On which, see Oakley, 2003, 51, 114.
6. Oakley, 1972a.
7. Doussinague, 1946, app. 50, 593. Cf. Jedin, 1952–61, 1:133.

8. For an overall picture of what we now know about the half-millennial endurance of the conciliarist tradition, see Schneider, 1976, and Oakley, 2003. For its strength in the late fifteenth and early sixteenth centuries, see especially Bäumer, 1971. The Pisan crisis served to reveal that conciliarist views were current enough even in Italy to find a series of representatives among Italian jurists from Philippus Decius and Zaccario Ferreri to Matthias Ugonius, bishop of Famagusta, Marco Mantova at Padua, and Gianfrancesco Sannazaro della Ripa, teaching at Avignon. So current, indeed, as to find two robust advocates in the unlikely setting of the papal curia itself—Giovanni Gozzadini and Girolamo Massaimo. For such latter-day defenders of conciliar theory and the growing body of scholarly literature concerning them, see Oakley, 1981. And for Mantova and della Ripa in particular, Mayer, 1989, 172–87.
9. Hallam, 1901 (first published in 1818), 3:243–45.
10. Maret, 1869. For commentary on Maret, his career, and ideas, see Thysman, 1957, Riccardi, 1976, Bressolette, 1984.
11. For Pisa and the subsequent Fifth Lateran Council (1512–17), see Jedin, 1952–61, 1:101–38; De la Brosse, 1965; De la Brosse et al., 1975, 14–91; Oakley, 1972a.
12. As long ago as the 1920s, J. W. Allen, 1960, 336, commented that "it is curious that no one seems to have reckoned Major [Mair] among the leading political thinkers of the early sixteenth century. He was that." But his suggestion gained no intellectual traction until the 1960s. See Oakley, 1962, 1965, 1969, 1977; Skinner, 1978, vol. 2, chs. 2, 4, and 7; idem, 1980, esp. 312, 314–16; Burns, 1981 and 1996, 19–22; Burns and Izbicki, eds., 1997.
13. For the texts of Cajetan's two tracts, I refer to Pollet, ed., 1936; an English translation is now available in Burns and Izbicki, eds., 1997, 1–133 (the *De auctoritate*) and 201–84 (the *Apologia*). Almain's *Tractatus de auctoritate,* along with his affiliated treatise *Quaestio resumptiva . . . de dominio naturali, civili et ecclesiastica* and his later *Expositio circa decisiones Magistri Guilielmi Occam super potestate ecclesiastica et laica,* are all printed in Dupin, ed., 1706, 2:961–1120, to which edition my references will be given. There is an English translation of his *De auctoritate* in Burns and Izbicki, eds., 1997, 134–200. Mair's *De auctoritate,* which is an excerpt from his *In Matthaeum ad litteram exposita* (Paris, 1518), is also printed, along with other works of his, in Dupin, ed., 1706, 2:1122–63. English translation in Burns and Izbicki, eds., 1997, 285–311. For commentary on all of these writings, see

Oakley, 1962, 1965, 1969, 1977, and 2003, 111–29; De la Brosse, 1965, Burns, 1981 and 1996, 19–92.

14. Cajetan, *De comparatione,* cap. 27, and *Apologia,* cap. 1; ed. Pollet, 1936, 120 and 204–7; trans. Burns and Izbicki, 1997, 123–24, 202–5.
15. Almain, *Expositio, De dominio naturali,* and *Tractatus de auctoritate;* in Dupin, ed., 2:1013–15, 1018–19, 966–67, 979–80. *Tractatus,* trans. Burns and Izbicki, 1997, 339–41.
16. *De dominio naturali,* in Dupin, 1706, 2:972; cf. *Expositio,* ibid., 1027, 1066.
17. The words quoted are those of Figgis, 1960, 56 and 47. This he identified as the fundamental assumption from which the conciliarists drew the conclusion that "arguments applicable to governments in general could not be inapplicable to the Church."
18. For this, see Oakley, 1977, 117–18.
19. *Tractatus de auctoritate,* cap. 1; ed. Dupin, 1706, 2:977–79; trans. Burns and Izbicki, 1997, 135–38. Cf. Almain's *De dominio naturali,* ed. Dupin, 1706, 2:961–65.
20. Ibid. For the wide-ranging medieval discussions of the fate of the "useless king," see Peters, 1970.
21. Almain, *Tractatus de auctoritate,* cap. 6; ed. Dupin, 1706, 987; trans. Burns and Izbicki, 1997, 153. Cf. cap. 7, in ibid., 989; trans. Burns and Izbicki, 1997, 157, where he makes clear that he is speaking "indifferently of the Church or the council representing it, apart from the supreme pontiff" for there may be none, or he may not be able to attend or, if able, "contumaciously" refuse to participate.
22. *De dominio naturali;* ed. Dupin, 1706, 2:972.
23. *Tractatus de auctoritate,* cap. 8; ed. Dupin, 1706, 2:997; trans. Burns and Izbicki, 1997, 172.
24. *Tractatus de auctoritate,* cap. 12; ed. Dupin, 1706, 2: esp. 1008–10.
25. Ibid.; cf. cap. 7 and 1; ed. Dupin, 1706, 991, 978; trans. Burns and Izbicki, 1997, 193, 135–38.
26. Major, *Disputatio de auctoritate concilii;* ed. Dupin, 1706, 2:1142; trans. Burns and Izbicki, 1997, 306.
27. *Disputatio;* ed. Dupin, 1706, 2:1139; trans. Burns and Izbicki, 1997, 300.
28. *Disputatio;* ed. Dupin, 1706, 2:1135 and 1137; trans. Burns and Izbicki, 1997, 295–96, 292.
29. *Disputatio;* ed. Dupin, 1706, 2:1132; trans. Burns and Izbicki, 1997, 286.

30. *Disputatio;* ed. Dupin, 1706, 2:1137–38; trans. Burns and Izbicki, 1997, 297.
31. *Disputatio;* ed. Dupin, 1706, 2:1134–35; trans. Burns and Izbicki, 1997, 291–92.
32. *Disputatio;* ed. Dupin, 1706, 2:1139; trans. Burns and Izbicki, 1997, 293. For further comparisons, see Oakley, 1962, 12–19.
33. *Disputatio;* ed. Dupin, 1706, 2:1136; trans. Burns and Izbicki, 1997, 293, 295–96. Cf. Burns, 1981.
34. See above, ch. 7.
35. See Oakley, 1965, 688–89.
36. For the general background to this, see Oakley, 1972a.
37. Oakley, 1972a, 455–57.
38. Major, *Disputatio;* ed. Dupin, 1706, 2:1141: "Aliqui dicunt Politiam Ecclesiasticam esse mixtam, sed non sic dico." He asserts in several other places that the church is a *politia regalis.* See ibid., 1135 and 1139; trans. Burns and Izbicki, 1997, 303, 292, 300.
39. See above, ch. 6.
40. See above, ch. 7.
41. Major, *Disputatio;* ed. Dupin, 1706, 2:1137 and 1142; trans. Burns and Izbicki, 1997, 295 and 300.
42. Major, *History,* IV, chs. 17 and 18; ed. Constable, 1892, 215, 219.
43. Skinner, 1978, 2:178, toys, somewhat indecisively, with that possibility.
44. As Skinner, 1978, 2:120–21, 176–77, 343, seems inclined to do.
45. Almain, *Tractatus de auctoritate,* cap. 1; ed. Dupin, 1706, 2:976–79; trans. Burns and Izbicki, 1997, 135–36. For the words cited above from Burns, see ibid., Introduction xviii–ix.
46. Tuck, 1979, 30. But, for a critical dissent, see Tierney, 1988, esp. 91–109.
47. Thus Baron, 1939, Pinette, 1959, and Walzer, 1965.
48. For this Lutheran right of resistance, see Kingdon, 1991, 200–206; Skinner, 1978, 2:195–208; Cargill-Thompson, 1980, 3–41.
49. Kingdon, 1991, 203–4.
50. *Institutio* IV, xx, 31; ed. Baum et al., 1863–1900, 2:1116; trans. McNeill, 1960, 1319.
51. *Institutio,* pref., III, xix, 9, IV, xx, 1; ed. Baum et al., 1863–1900, 2:28, 618, 1093; trans. McNeill, 1960, 30, 460, 1486.
52. A facsimile edition of Ponet's *Shorte Treatise* is printed in Hudson, 1942; Knox's treatises are to be found in Mason, ed.,

1994.

53. For pertinent contextual background, see, for Goodman, Collinson, 1967; for Knox, Burns, 1996, 122–84; and for Ponet, the long introduction in Hudson, 1942. Shorter analyses of all three thinkers in Allen, 1960, 106–20, Skinner, 1978, 2:221–38, King-don, 1991, 194–200.
54. As does Morris, 1953, 152.
55. Ponet, *Shorte Treatise;* ed. Hudson, 1942, [11]–[12].
56. Ibid.
57. *Shorte Treatise;* ed. Hudson, 1942, [40], [52], and [8].
58. Ibid., [8] and [61].
59. Ibid., [26]–[28].
60. Ibid., [4]–[5] and [35].
61. *Shorte Treatise;* ed. Hudson, 1942, [100]–[101]. In what follows I will be commenting on what Ponet has to say at [100]–[107] after which he turns to a focus on tyrannicide.
62. Ibid., [102]–[103].
63. Ibid., [103].
64. *Shorte Treatise;* ed. Hudson, 1942, [104].
65. Ibid., [105].
66. Major's *History of Greater Britain* is one of the few sources of Ponet's political thinking that can be identified with any degree of confidence. See Hudson, 1942, 171–72.
67. Skinner, 1978, 2:237.
68. Prynne, 1643, 5–7, 20, 23, 31, 68, 73, 122, 136, 144–45, and Appendix, 101–2, 161.
69. Ibid.
70. Ponet, *Shorte Treatise;* ed. Hudson, 1942, [11]–[12]: "The body of every state maie (if it will) yea and oughte to redresse and correcte the vices and headdes of their governours." For the latter "are and oughte to be subjecte to the lawe of God."
71. Over the course of the past half century, Buchanan has drawn increasing attention outside Scotland, where he had long been the focus of attention and admiration. For the better part of a century, the only standard biography was that of P. Hume Brown, 1890, but see now MacFarlane, 1981. For Buchanan's political thinking, see Burns, 1951; Oakley, 1962 (which attempts at 12–31 a somewhat over schematic comparison with John Mair's political thinking); Trevor-Roper, 1966; Burns, 1996; Mason, 1982, 9–33, and his excellent introduction (at xv–lxxi) to Mason and Smith, eds., 2004, a critical edition of the *De jure*

regni apud Scotos with the Latin text and an English translation printed on facing pages. My references are given to this edition.

72. See Aitken, 1939, 22–25. Cf. Burns, 1963.
73. Allen, 1960, 322–43; Skinner, 1978, 2:321, 323, 345, 348. For Salamonio's contractarian views, see d'Addio, 1954, esp. 111–15 and the discussion that runs from 495 to 547.
74. Mason in Mason and Smith, eds., 2004, xlvi n140, acknowledging that there is no evidence that they knew each other, also suggests that Buchanan had more in common with Ponet than with Goodman, Knox, or the *Vindiciae*.
75. Buchanan, *De jure regni;* ed. and trans. Mason and Smith, 2004, 80–95.
76. Buchanan, *De jure regni;* ed. and trans. Mason and Smith, 2004, 14–21, as well as 41 where "Maitland" and "Buchanan" concur in the understanding that "men were made by nature for living together in society." Cf. Mason, Introduction to Mason and Smith, eds., 2004, lvii–lviii, where he emphasizes Buchanan's slide in the direction of Aristotelian naturalism.
77. Buchanan, *De jure regni;* ed. and trans. Mason and Smith, 2004, 54–55, where, addressing the legislative function of the people and the king's subjection to the law, "Buchanan" floats the idea that in the law-making process the people should consult with "the king's council," with "a decision being taken in common in matters which affect the common good of all." Further than that, he also insists that he had "never thought that this task should be left to the judgment of the people as a whole. Rather, as is roughly our own practice, selected men from all estates (*ordines*) should meet with the king in council; then, once a 'preliminary resolution' has been drawn up by them, it should be referred to the judgment of the people." For a discussion of what Buchanan may have meant by this, see Mason in Mason and Smith, eds., 2004, 176–77 n82, and Introduction, lviii–lx. Similarly, Burns, 1996, 201–2.
78. Allen, 1960, 340, attributes to Buchanan the idea that "the will of the people is naturally expressed in the act of a numerical majority." Similarly, Sabine, 1937, 384, and Arrowood, 1949, 19. Oakley, 1962, 24–26, and Mason, in Mason and Smith, eds., 2004, xi–lxii, argue that Buchanan was thinking in *qualitative* as well as quantitative terms. Burns, 1996, 206–7, and Salmon, 1982, 832–33, while admitting the presence of a qualitative element, both seek judicious (if complex) mediating ground.
79. Skinner, 1978, 2:342–43.
80. Skinner, 1978, 2:343.

81. Buchanan, *De jure regni;* ed. and trans. Mason and Smith, 2004, 152–55.
82. Salmon, 1982, 833.
83. De Caprariis, 1959, 1:100–103, Kingdon, 1991, 206–14.
84. Kingdon, 1991, 201; cf. idem, 1963. For an older but helpfully concise account of the confused but protracted tangle of political and sectarian strife and (intermittent) open warfare stretching from 1562 to 1598, see Neale, 1943. Wood, 1996, reconstructs compellingly the military dimension of the no less than five successive civil wars that punctuated the unhappy reign of Charles IX (1560–74).
85. See, e.g., Giesey and Salmon, eds., editorial introduction to Hotman, *Francogallia,* 1972; Skinner, 1978, 2:305.
86. The first edition of the *Francogallia* was published at Geneva in 1573. There is a Variorum edition of that text (covering the variations and editions it underwent, with English translation on facing page) in Giesey and Salmon, eds., 1972. The French text of Beza's *Du droit des magistrats sur leurs sujets* is printed in Kingdon, ed., 1970, 3–85; another English translation (described as "a rather full abridgment") can be found in Franklin, ed., 1969, 101–40. My references given to both of these. The Latin text of the *Vindiciae contra tyrannos sive, De principis in Populum, Populique in Principem potestate* was printed anonymously in 1579 at Basel (allegedly Edinburgh). English translation in Garnett, ed., 1994. My references are given to both of these. Much abbreviated English translation in Franklin, 1969, 140–99. For the background to these tracts and assessments of their significance, I rely mainly on Allen, 1960, 302–31, and on the careful, fine-grained analysis by Skinner, 1978, 2:302–38.
87. Skinner, 1978, 2:305.
88. Beza, *Du droit des magistrats,* ch. 5; ed. Kingdon, 1970, 11–12; trans. Franklin, 1969, 107. *Vindiciae contra tyrannos,* qu. 3; ed. 1579, 182–85; trans. Garnett, 1994, 148–50.
89. Beza, *Du droit,* ch. 7; ed. Kingdon, 1970, 53; trans. Franklin, 1969, 129. *Vindiciae,* qu. 2; ed. 1579, 65; trans. Garnett, 1994, 60.
90. Skinner, 1978, 2:310.
91. Hotman, *Francogallia,* cap. 1; ed. Giesey and Salmon, 1972, 146–47.
92. *Francogallia,* cap. 27; ed. Giesey and Salmon, 1972, 504–5.
93. *Francogallia,* cap. 10 and 11; ed. Giesey and Salmon, 1972, 290–93, 332–33. He adds: "since . . . [it was not] right for any part of

the commonwealth to be dealt with except in the council of estates or orders."

94. Franklin, ed., 1969, Introduction, 30–31. Also Beza, *Du droit,* cap. 3; ed. Kingdon, 1970, 5–6; trans. Franklin, 1969, 102.
95. *Vindiciae,* qu. 4; ed. 1579, 236; trans. Garnett, 1994, 185.
96. *Vindiciae,* qu. 1 and 2; ed. 1579, 12, 33, 36, 46, 65, 74; trans. Garnett, 1994, 21, 35, 37, 45, 59–60, 66.
97. *Vindiciae,* preface; ed. 1579, A4v; trans. Garnett, 1994, 9.
98. See, e.g., *Vindiciae,* qu. 3; ed. 1579, 107, 116; trans. Garnett, 1978, 21:318–38. Cf. the discussion in Skinner, 1978, 2:318–38.
99. *Vindiciae,* qu. 3; ed. 1579, 168; trans. Garnett, 1994, 138. For the people as a *universitas* or corporate body, see the helpful introduction in Garnett, 1994, at xxiii, xxvi, xxvii, xxix–xxxi, xxxiv–xxxv, and elsewhere. And for the king as no more than an office holder or "only supreme minister and agent of the kingdom," see *Vindiciae,* qu. 3; ed. 1579, 193; trans. Garnett, 1994, 156.
100. For the role that such notions played in the medieval development of representative theory and representative institutions, see Oakley, 2012, ch. 6.
101. *Vindiciae,* qu. 3; ed. 1579, 183–84; trans. Garnett, 1994, 149–50.
102. *Vindiciae,* qu. 3; ed. 1579, 95, 98, 189, 236; trans. Garnett, 1994, 82, 86–87, 153.
103. *Vindiciae,* qu. 3; ed. 1579, 194; trans. Garnett, 1994, 156.
104. *Vindiciae,* qu. 3; ed. 1579, 193; trans. Garnett, 1994, 156–57.
105. *Vindiciae,* qu. 3 and 2; ed. 1579, 199 and 48; trans. Garnett, 1994, 160 and 47.
106. Ponet, *Shorte Treatise;* ed. Hudson, 1942, [205]; Buchanan, *De jure regni;* ed. and trans. Mason and Smith, 2004, 142–43; Beza, *Du droit,* ch. 6; ed. Kingdon, 1970, 52–53; trans. Franklin, 1969, 129; *Discours politiques;* ed. Goulart, 1579, 3:209^{b}–216^{b}.
107. *Vindiciae,* qu. 3; ed. 1579, 204; trans. Garnett, 1994, 164.
108. Certainly, one should be careful not to give the impression (as, perhaps, does Giesey, 1970, 47–70) that Dutch authors were simply applying the basic ideas of the French monarchomachs in order to justify their own resistance. See esp. Van Gelderen, 1992, 269–76; cf. Kossman, "The Development of Dutch Political Theory in the Seventeenth Century," in Bromley and Kossman, eds., 1960, 1:91–110.
109. Salmon, 1959.
110. See Baron, 1939, at 30, 33 and 42; Walzer, 1965, 1–4, 111–12,

270; Zimmerman, 1988, esp. 434–35.

111. De Lagarde, 1926, 265–68; Allen, 1960, 313, where, speaking of the Monarchomachi, he claims that, Calvinists though they were, "their political theory derived not from Calvin but from the thought of the later Middle Ages. As political thinkers they were far nearer to William of Occam than they were to Calvin." Also Skinner, 1978, vol. 2, chs. 2, 4, and 9; idem, 1980, an admirably crisp and concise statement.

112. Had that not been the case it would be hard to explain the ease and comparative lack of discomfort with which Jean Boucher and William Rainolds (Rossaeus), the leading resistance theorists of the Catholic *Ligue,* were later able, after the dynastic/political tide had turned in France, to appropriate for their own purposes much of the substance of these Huguenot theories. See Baumgartner, 1975, and Salmon, 1991, 221–31.

113. And, "so far from breaking away from the constraints of scholasticism to found a 'new politics,' we find the Huguenots largely adopting and consolidating a position which the more radical jurists and theologians had already espoused." Skinner, 1978, 2:321 and 323; idem, 1980, 321 and 325.

114. In what follows, I draw on Oakley, 1994, 1996b, 1999, 2000, 2003, 226–31, and the literature referred to therein, esp. McIlwain, ed., 1918, xxxv–lxxx, Ulianich, ed., 1961, xix–xxxvii, and Salmon, 1991.

115. While in itself the charge is accurate enough, the conciliar precedent did not really bulk as large in Beza's thinking as Owen seems to suggest. See Owen, 1610, 43–46, 48, 50–51. Cf. Beza, *Du droit,* ch. 6; ed. Kingdon, 1970, 52–53; trans. Franklin, 1969, 129.

116. Harvey, 1993, 214–16, 222, and 242. Crowder, ed., 1964, 479.

117. On which, see Mayer, 1989, 78–80.

118. Oakley, 1994, 6–9; Sawada, 1965, at 504–5.

119. Such as, for example, the anonymous treatises *A Glasse of Truthe* (1533), the *Articles Devised by the Hole Consent of the Kynges Most Honourable Counsayle* (1533), and *A Treatise Concernynge Generall Councelles, the Bysshopes of Rome and the Clergy* (1538).

120. On which, see Oakley, 1994, 7–13, and Sawada, 1961. For St. German's conciliarism specifically, Oakley, 2000, and for More, Gogan, 1982, 289–93.

121. Foxe, *Actes and Monuments,* 1841, 3:611–12: "The Pope," Garcia had said, "is in the Churche as a King in his Kingdome, and for a King to be of more authority than his Kingdome, it were too

absurd. Ergo. Neither ought the Pope to be above the Church. . . . And like as oftentimes Kings, which doe wickedly governe the commonwealthe and expresse cruelty, are deprived of their Kingdoms; even so it is not to be doubted that the Bishop of Rome may be deposed by the Church, that is to say by the generall Councell." For the original Latin version of the speech, see Aeneas Sylvius Piccolomini, *De gestis Basiliensis Commentariorum,* ed. Hay and Smith, 1967, 32–33.

122. By Kley, 1996, 257. For the text, see Mey et al., 1775, 2:161; cf. 1:267–69, 2:151–61.

123. Hooker, *Laws of Ecclesiastical Polity,* bk. 8, ch. 6, and the rough notes written for a chapter in which he proposed to set forth arguments, pro and con, concerning the correction of an erring king—in *Works,* ed. 1977–81, 3:385–87, where he made an explicit appeal to conciliarist views. Cf. Oakley, 2003, 139–45. Prynne, 1643, 6: Bridge, 1642, 2, 7–8. For the speech by Digges, see Johnson et al., eds., *Commons Debates, 1628,* 1972–83, 3:102 (26 Apr. 1628).

124. Bilson, 1585, esp. 83–84, 270–73, 310–11. McIlwain, ed., 1918, xxxiii n3, comments that Bilson's work was "a storehouse of facts and arguments for later disputants, probably including James I himself." Sutcliffe, 1600a, esp. cap. 5 and 6, fols. 76r–82v. The words cited are from Sutcliffe's *The Subversion of Robert Parsons,* 1606, 97, and his *A New Challenge,* 1600b, 41–42. Cf. Oakley, 1994, 14–17.

125. On which, see now Tutino, 2010. Cf. Salmon, 1991, and McIlwain, ed., 1918, Introduction.

126. McIlwain, ed., 1918, Introduction, lxv.

127. The *Oration,* like so many other comparable effusions at the time, had been translated almost immediately into English, and I quote from that translation—Du Perron, *Oration,* 1616, 49–50; cf. 121–23. Richer's 1606 edition of Gerson was presumably the edition that James I presented in 1612 to the library at the University of St. Andrew's, and one may surmise that it was in its pages that he himself had made his acquaintance with the conciliarists (Gerson, Almain, Mair) whom he cites in his own works. See his *A Premonition to All Most Mightie Monarches,* in McIlwain, ed., 1918, 202, 205–6. 263–64. For James's gift of the book to St. Andrew's, see Rueger, 1964, 484.

128. Goldast, ed., 1611–13, 3:325–39; cf. 3:286–311.

129. Thus Salmon, 1987, ch. 7, "Gallicanism and Anglicanism in the Age of the Counter Reformation,"at 155 and 166–67; cf. Cozzi, 1956, 559–619 (esp. 584–93). For the Franco-Venetian

connection, see Ulianich, ed., 1961, Introduction, esp. xix–xxxvii, and Bouwsma, 1971, 809–30. For the Franco-English connections, see McIlwain, ed., 1918, Introduction, esp. lxv–lxx, Bossy, 1965, 80–112, and Salmon, 1987, 155–88. For the Venetian-English connection, Cozzi, 1956, 559–619. Cf. Chabod, 1962. Most or all of these intricate interconnections are judiciously set in their broader context by Salmon, 1991, 219–53. Cf. Tutino, 2010.

130. James I, *A Remonstrance for the Right of Kings,* in McIlwain, ed., 1918, 181, 198, 298–99.
131. For all of these, see Oakley, 1994, 27–28 and nn94, 95, 96, and 97.
132. Ibid., 130–31 and nn102, 103, 104, 105, and 106.
133. See above, ch. 7.
134. Buckeridge, 1614, 675–76 (citing William Barclay). Bramhall, *Serpent-Salve,* in *Works,* ed. AWH, 1842–45, 3:316 (italics mine).
135. Bridge, 1643, 49.
136. The words cited are those of Rueger, 1964, 480.
137. Prynne, 1643, 6; Figgis, 1960, 58.
138. Figgis, 1960, 178, 241.
139. Thus Riley, 1973, 561, 544. For a fuller account, see Riley, 1982. Cf. Pateman, 1979, 1–2, 6, 12–13, 98–102.
140. Riley, 1973, 561; cf. 549–53.
141. For this last point and what follows I draw upon Oakley, 1983; reprinted in Oakley, 1999, see esp. 121–37.
142. Oakley, 2012, ch. 6.
143. See above, chs. 6 and 7; Oakley, 2012, ch. 6.
144. Little more than thirty years ago, Kenneth Minogue, 1979, could memorably assert that "natural rights are as modern as the internal combustion engine." In so doing, he was echoing the traditional assumption which Leo Strauss and C. B. McPherson had (in their differing ways) sought classically to vindicate and which latter-day Straussians often continue unabashedly to defend. For competing views to the contrary which give a good sense of the complexity of the process of transmission from the twelfth century down into the early modern period, see Tuck, 1979, Brett, 1997, and Tierney, 1997. These works together make clear the difficulty of constructing a single, agreed-upon account of how exactly it all happened. For a concise summation of this conflicted interpretative history, see Oakley, 2005, 81–109.
145. For Troeltsch's typology, see Troeltsch, 1960, 1:331–43, 378–82, 2:461–65.

146. See above, ch. 4.

147. Höpfl and Thompson, 1979, 938.

148. Wootton, 1991, 434–42, where he also adduces the witness of Robertson, 1951, 28–29, and Morton, 1970, 14–16.

149. Kingdon, 1963–64, 393–401; Höpfl and Thompson, 1979, 938–40.

150. Förster, 1969, 95–97; Höpfl and Thompson, 1979, 938, all draw attention to assertions made by Henry Jacob to the effect that a "visible church" (defined as "a Spirituall Body Politicke") is constituted by "a free mutuall consent of Believers joyning and convenanting to live as members of a holy Society togeather in all religious and vertuous duties as Christ and his Apostles did institute and practice in the Gospell. By such free mutuall consent also all Civill perfect Corporations did first beginne."

151. Lilburne, *An Answer to Nine Arguments* (a work written in 1638 but published in 1645), 28, cited in Zagorin, 1966, 9. Zagorin (at 14) rightly points out that "a church in these terms may be created at any time because it is merely a grouping within society "—hence the radical nature of the move to apply similar ideas to society at large. Similarly, Höpfl and Thompson, 1979, 938. Cf. Woodhouse, ed., 1951, Introduction, esp. [71]–[77], where he discusses the *Agreement of the People* and the covenant idea as applied in the puritan churches. Similarly, Gough, 1936, 88–99; Aylmer, ed., 1975.

152. For these men, their writings, and the history of the development of their respective positions, see esp. Frank, 1955.

153. Overton, *An Arrow against All Tyrants* (1646); reprinted in Aylmer, ed., 1975, 68–69.

154. Lilburne, *Regall Tyrannie Discovered,* 1647, 6–7; cf. idem, *London's Liberty in Chains Discovered,* 1646, 17, and the "Postscript" from his *The Free Man's Freedom Vindicated* (1646), reprinted in Woodhouse, ed., 1951, 317–18. See the description of some of these texts (and of others I have been unable to see) in Zagorin, 1966, 10–14.

155. With the possible exception of alms-takers, beggars, and servants, whatever precisely such terms (and especially "servants") denoted. For MacPherson, 1968, 107–59, the exclusion would extend to all wage-earners, i.e., the greater part of the male population. Not surprisingly, other scholars have taken exception to MacPherson's interpretation—see, e.g., Davis, 1968, and Thomas, 1971, 57–78. For a judicious appraisal of competing views on the matter which comes down with an emphasis on "householder franchise," see Wootton, 1991, 428–

34. It should be acknowledged, of course, that their theoretical premises notwithstanding, not even the clearest exponent of abstract individualism, Hobbes and Locke no more than the Levellers, envisaged the extension of the suffrage to women even if they were widows and could claim to be heads of households. See Brennan and Pateman, 1979, 183–200.

156. Zagorin, 1966, 15–16.

157. In this respect, the stress of Dunn, 1969, 57, on "the gap between Locke's conventional constitutionalism and his more distinctive religious individualism" is apposite.

Epilogue

1. Resonating here to the powerful note that Susan Dunn strikes in *The Deaths of Louis XVI: Regicide and the French Political Imagination* (1994).
2. Camus, 1991, 112–13, 120–21.
3. Thus Kley, 1996, 12, argues that "Jansenist-related controversies, quite apart from the French Enlightenment," did more to undercut regal sacrality and to bring "Bourbon absolutism to its knees. . . . By the mid-eighteenth century all the legislative and religious symbols of Louis Quatarzian divine-right absolutism . . . were all but dead letters." Cf. Merrick, 1990.
4. Bertelli, 2001, 267–69.
5. On which, see Boureau, 1988.
6. For which, see Oakley, 2010, 18–39, 79–100.
7. Oakley, 2010, 79–110, for the nature of that Eusebian accommodation.
8. For Augustine's position and the way in which it was characteristically misread during the early Middle Ages, see Oakley, 2010, 117–42.
9. Oakley, 2012, 15–41, 160–84.
10. Ibid., 207–23, and above, chs. 2 and 7.
11. Thus Casanova, 2008, 101–19.
12. Berger, 1967, and Berger, ed. 1999, 2.
13. Testimony to this complexity is the deeply sedimented nature of the account that Charles Taylor (*A Secular Age,* 2007) gave of the particular strand of secularization on which he chose to focus. For more succinct evocations of that complexity, see Bruce, ed., 1992, and Norris and Ingelhart, 2011, 1–30. Bouwsma, "The Secularization of Society in the Seventeenth Century," in

Bouwsma, 1969, 112–28, helpfully emphasizes the halting and fluctuating nature of secularization even in the mid-seventeenth century.

14. See especially the Introduction and opening chapter of Casanova, 1994. The words cited appear at 6–7, 19–20, 39.
15. For the archaic cosmic religiosity and the desacralizing import of the biblical vision, see Oakley, 2010, 18–63.
16. Thus Berger, 1969, 105–25 (the words cited occur at 124); cf. Hegel, 1899, 379, 412, and Hegel, 1953, 23–24.
17. Bloch, 1964, 1:107; Brown, 1982, 305–6; Bartlett, 2008, 27.
18. Here, of course, Figgis, 1960 (1907) is the classic statement, and Tierney, 1982, expands, refines, and corroborates in the light of subsequent scholarship much of what Figgis had adumbrated.

Bibliography

Bibliographies

The best general bibliographies for this period in the history of political thought are those to be found in J. H. Burns, ed., *The Cambridge History of Medieval Political Thought, c. 350–1450* (Cambridge: Cambridge University Press, 1988), 694–777, and in J. H. Burns and Mark Goldie, eds., *The Cambridge History of Political Thought, 1450–1700* (Cambridge: Cambridge University Press, 1991), 703–76. See also Arthur P. Monahan, *From Personal Duties towards Personal Rights: Late Medieval and Early Modern Political Thought, 1300–1600* (Montreal and Kingston: McGill–Queen's University Press, 1994), 301–430 (particularly extensive), and Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1998), 1:264–88, 2:360–88. The current vogue of publishing "Companions" to authors and targeted specialized subjects has made helpful bibliographic data on specific topics readily available. See, especially, *The Cambridge Companion to Dante,* ed. Rachel Jacoff (Cambridge: Cambridge University Press, 2007), *The Cambridge Companion to Ockham,* ed. Paul Vincent Spade (Cambridge: Cambridge University Press, 1999), and *The Cambridge Companion to Renaissance Humanism,* ed. Jill Kraye (Cambridge: Cambridge University Press, 1996). For bibliographical guidance on topics pertaining to the Reformation era, a good point of entry is now afforded by Hans J. Hillerbrand, ed., *The Oxford Encyclopedia of the Reformation,* 4 vols. (New York and Oxford: Oxford University Press, 1996).

General Accounts

Although no single work covers the whole period addressed in this volume, the late medieval period, and, indeed, the period stretching from the fourteenth to the sixteenth centuries have been comparatively well provided for. Thus, for example, R. W. and A. J. Carlyle's, *A History of Medieval Political Theory,* 6 vols. (London and

Edinburgh: William Blackwood and Sons, 1903–36), last printed in 1950, devotes its sixth and final volume to the years stretching from 1300 to 1600. Similarly, Quentin Skinner's *Foundations of Modern Political Thought,* 2 vols. (Cambridge: Cambridge University Press, 1978), organized in traditional Renaissance/Reformation fashion, covers political thinking in the fourteenth and fifteenth centuries as well as much of the sixteenth. Antony Black, *Political Thought in Europe, 1250–1450* (Cambridge: Cambridge University Press, 1992), provides a well-informed, clear, and concise account of the political thought of the later Middle Ages, as does Janet Coleman, *A History of Political Thought from the Middle Ages to the Renaissance* (Oxford: Blackwell, 2000). An informed sense of political thinking as it unfolded across the entire period can be garnered from the scholarly accounts gathered together in the latter chapters of J. H. Burns, ed., *The Cambridge History of Medieval Political Thought, c. 350–1450* (Cambridge: Cambridge University Press, 1988) and in the earlier chapters of J. H. Burns and Mark Goldie, eds., *The Cambridge History of Political Thought, 1450–1700* (Cambridge: Cambridge University Press, 1991).

Works Cited

Acta Imperii Inedita saeculi XIII et XIV. 1885. Ed. Eduard Winkelmann, 2 vols. (Innsbruck: Universitätsverlag Wagner, GmbH, 1885).

Acton, Lord. 1910. *Lectures on the French Revolution,* ed. J. N. Figgis and R. V. Laurence (London: Macmillan, 1910).

Acts of the Privy Council of England, 1615–16. 1925. (London: Mackie, 1925), vol. 34 of 48.

Adams, Marilyn McCord. 1987. *William Ockham,* 2 vols. (Notre Dame, Ind.: University of Notre Dame Press, 1987).

Aegidius Romanus (Giles of Rome). 1607. *De regimine principum Libri III* (Rome: Bartholomaeus Zannerthum, 1607). Reprinted Aalen, 1967.

———. 2004. *De ecclesiastica potestate,* ed. and trans. R. W. Dyson, *Giles of Rome's 'On Ecclesiastical Power: A Medieval Theory of World Government'* (New York: Columbia University Press, 2004).

Aitken, James M. 1939. *The Trial of George Buchanan before the Lisbon Inquisition* (Edinburgh: Oliver and Boyd, 1939).

Alberigo, Giuseppe. 1969. *Cardinalato e Collegialità: Studi sull' ecclesiologia tra l'xie e il xiv secolo* (Florence: Vellecchi, 1969).

———. 1981. *Chiesa conciliare: Identità e significato del conciliarismo*

(Brescia: Paideia Editrice, 1981).

Alberigo, Giuseppe, and Norman Tanner, eds., 1990. *Decrees of the Ecumenical Councils,* 2 vols. (London and Washington, D.C.: Sheed and Ward/Georgetown University Press, 1990).

Allen, J. W. 1960. *A History of Political Thought in the Sixteenth Century* (London: Methuen, University Paperbacks, 1960).

Alvarus Pelagius. 1698–99. *De planctu ecclesiae,* in Rocaberti, ed. 1698–99, 3:23–264.

Andresen, Carl. 1966. "History of the Medieval Councils of the West," in J. Margull, ed., *The Councils of the Church,* trans. W. F. Bense (Philadelphia: Fortress Press, 1966), 177–226.

Anselmi, Gian Mario. 1979. *Ricerche sul Machiavelli storico* (Pisa: Pacini, 1979).

Arquillière, H.-X. 1955. *L'Augustinisme politique: Essai sur la formation des théories politiques du Moyen Age,* rev. ed. (Paris: Librairie philosophique, 1955).

Arrowood, Charles F. 1949. *The Power of the Crown in Scotland* (Austin: University of Texas Press, 1949).

Ascoli, Albert Russell, and Angela Matilde Capodivacca. 2010. "Machiavelli and Poetry," in Najemy, ed. 2010, 190–205.

Aston, T. H., ed. 1965. *Crisis in Europe, 1560–1660* (London: Routledge and Kegan Paul, 1965).

Atkinson, James B. 2010. "Niccolò Machiavelli: A Portrait," in Najemy, ed. (2010), 14–30.

Augustine of Hippo. 1955. *De civitate dei, CSSL* 47–48.

Augustinus Triumphus. 1582. *Summa de potestate ecclesiastica* (Rome, 1582).

———. 1903. *Tractatus brevis de duplici potestate praelatorum et laicorum,* ed. Richard Scholz (1903), 486–91.

Aylmer, G. E., ed. 1975. *The Levellers in the English Revolution* (Ithaca: Cornell University Press, 1975).

Bainton, Roland. 1963. *Here I Stand: A Life of Martin Luther* (Toronto: Mentor Books, 1963).

Baird, Thomas, ed. 1838. Ralph Cudworth, *The True Intellectual System of the Universe,* 2 vols. (New York, 1838).

Baker, J. Wayne. 1980. *Heinrich Bullinger and the Covenant: The Other Reformed Tradition* (Athens: Ohio University Press, 1980).

Baluzius, S., and J. D. Mansi. 1761–64. *Miscellanea,* 4 vols. (Lucca, 1761–64).

Barclay, William. 1600. *De regno et regali potestate* (Paris, 1600).

———. 1609. *De potestate papae.* Facsimile reprint (Menston: Scolar Press, 1973).

Barnes, Robert. 1523. *The Whole Workes of W. Tyndall, John Frith, and Robt. Barnes* (London, 1523).

Baron, Hans. 1939. "Calvinist Republicanism and Its Historical Roots," *Church History* 8 (1939): 30–42.

———. 1961. "Machiavelli: The Republican Citizen and the Author of 'The Prince,'" *English Historical Review* 76 (1961): 217–53.

———. 1966. *The Crisis of the Early Italian Renaissance,* 2nd ed. (Princeton: Princeton University Press, 1966).

———. 1967. "Leonardo Bruni: 'Professional Rhetorician' or 'Civic Humanist,'" *Past and Present* 36 (1967): 21–37.

———. 1968. *From Petrarch to Leonardo Bruni: Studies in Humanistic and Political Literature* (Chicago: University of Chicago Press, 1968).

———. 1988. *In Search of Florentino Civic Humanism: Essays in the Transition from Medieval to Modern Thought,* 2 vols. (Princeton: Princeton University Press, 1988).

Barthas, Jéremie. 2010. "Machiavelli in Political Thought from the Age of Revolutions to the Present," in Najemy, ed. (2010), 256–71.

Bartlett, Robert. 2008. *The Natural and the Supernatural in the Middle Ages* (Cambridge: Cambridge University Press, 2008).

Bartolo de Sassoferrato: Studi e documenti. 1962. 2 vols. Ed. D. Segoloni (Milan: Università degli Studi Perugia, 1962).

Bartolus of Sassoferrato, 1588–89. *Opera Omnia,* 10 vols. (Basel, 1588–89).

Baum, G., E. Cunitz, and R. Reuss, eds. 1863–1900. *Joannis Calvini Opera quae Supersunt Omnia,* 59 vols. (Berlin: Schuretske, 1863–1900).

Baumer, Franklin Le Van. 1940. *The Early Tudor Theory of Kingship* (New Haven: Yale University Press, 1940).

Bäumer, Remigius. 1971. *Nachwirkungen des Konziliaren Gedankens in der Theologie und Kanonistik des frühen 16. Jahrhunderts* (Münster: Aschendorff, 1971).

Baumgartner, F. J. 1975. *Radical Revolutionaries: The Political Thought of the French Catholic League* (Geneva: Droz, 1975).

Bellarmine, Robert Cardinal. 1606. *Risposte de Card. Bellarmino al Trattato de I sette Theologi di Venetia sopra l'interdetto della Santità*

di Nostro Signore Papa Paolo Quinto (Rome, 1606).

Benson, Robert L. 1968. *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton: Princeton University Press, 1968).

Berger, Peter L. 1967. *The Sacred Canopy: Elements of a Sociological Theory of Religion* (Garden City, N.Y.: Doubleday, 1967).

———, ed. 1999. *The Desecularization of the World* (Washington, D.C.: Ethics and Public Policy Center, 1999).

Berges, Wilhelm. 1938. *Die Fürstenspiegel des hohen und späten Mittelalters* (Leipzig: Hiersemann, 1938).

Berlin, Isaiah. 2001. *Against the Current,* ed. Henry Hardy (Princeton: Princeton University Press, 2001).

Bertelli, Sergio. 2001. *The King's Body: Sacral Rituals of Power in Medieval and Early Modern Europe,* trans. R. Burr Litchfield (University Park: Pennsylvania State University Press, 2001).

Beza, Theodore de. 1970. *Du droit des magistrats,* ed. Robert M. Kingdon (Geneva: Librairie Droz, 1970).

Bilson, Thomas. 1585. *The True Difference betweene Christian Subjection and Unchristian Rebellion* (Oxford, 1585).

Black, Antony. 1970. *Monarchy and Community. Political Ideas in the Later Conciliar Controversy, 1430–1450* (Cambridge: Cambridge University Press, 1970).

———. 1977. "The Realist Ecclesiology of Heimerich van de Velde," in Edmond J. M. Van Eijl, ed., *Facultas S. Theologiae Lovanensis, 1432–1797* (Louvain: Louvain University Press, 1977), 273–91.

———. 1979. *Council and Commune. The Conciliar Movement and the Fifteenth-Century Heritage* (London: Burns and Oates, 1979).

———. 1988. "The Conciliar Movement" and "The Individual and Society," in Burns, ed. (1988), 573–87, 588–606.

———. 1991. "Political Languages in Late Medieval Europe," in Wood, ed. (1991), 313–38.

———. 1992. *Political Thought in Europe, 1250–1450* (Cambridge: Cambridge University Press, 1992).

Bleienstein, Fritz, ed. 1969. *Johannes Quidort von Paris, Über königliche und päpstliche Gewalt* (Stuttgart: Ernst Klett Verlag, 1969).

Blickle, Peter. 1981a. *Die Revolution von 1525,* 2nd rev. ed. (Munich: R. Oldenbourg Verlag, 1981).

———. 1981b. *The Revolution of 1525: The German Peasants' War from a New Perspective,* trans. Thomas A. Brady Jr. and H. C. Erik Midelfort (Baltimore: Johns Hopkins University Press, 1981).

Bloch, Marc. 1924. *Les rois thaumaturges : Étude sur le caractère*

surnaturel attribué à la puissance royale particuliarièment en France et en Angleterre (Strassbourg: Librairie Ista, 1924).

———. 1964. *Feudal Society,* trans. H. H. Manyon, 2 vols. (Chicago: University of Chicago Press, 1964.

———. 1973. *The Royal Touch, Sacred Monarchy and Scrofula in England and France,* trans. J. E. Anderson (London: Routledge and Kegan Paul, 1973).

Blythe, James M. 1992. *Ideal Government and the Mixed Constitution in the Middle Ages* (Princeton: Princeton University Press, 1992).

———, trans. 1997. *On the Government of Rulers: De regimine principum, Ptolemy of Lucca, with Portions Attributed to Thomas Aquinas* (Philadelphia: University of Pennsylvania Press, 1997).

———. 2000. "'Civic Humanism' and Medieval Political Thought," in Hankins, ed. (2000), 30–74.

Bodin, Jean. 1986. *Les six livres de la république,* ed. Christiane Fremont, 6 vols. (Paris: Librairie Arthème Fayard, 1986).

Boehner, Philotheus. 1958. *Collected Articles on Ockham,* ed. E. M. Buytaert (Paderborn: F. Schöningh, 1958).

Boreczky, Elémer. 2007. *John Wyclif's Discourse on Dominion in Community* (Leiden: Brill, 2007).

Born, Lester K., trans. 1968. *The Education of a Christian Prince,* by Desiderius Erasmus (New York: Columbia University Press, 1968).

Bossy, John. 1965. "Henry IV, the Appellants and the Jesuits," *Recusant History* 8 (1965): 80–112.

Boureau, Alain. 1988. *Le simple corps du roi: L'impossible sacralité des souverains français xve–xviiie siècle* (Paris: Éditions de Paris, 1988).

Boureau, Alain, and Claudio Sergio Ingerflom, eds. 1992. *La royauté sacrée dans le monde chrétien* (Paris: Éditions de l'École des Hautes Études en Sciences Sociales, 1992).

Bouwsma, William J. 1968. *Venice and the Defense of Republican Liberty: Renaissance Values in the Age of the Counter Reformation* (Berkeley and Los Angeles: University of California Press, 1968).

———. 1969. *A Usable Past: Essays in European Cultural History* (Berkeley and Los Angeles: California University Press, 1969).

———. 1971. "Gallicanism and the Nature of Christendom," in Molho and Tedeschi, eds. (1971), 809–30.

———. 1988. *John Calvin: A Sixteenth-Century Portrait* (New York: Oxford University Press, 1988).

Bradley, Ian. 2002. *God Save the Queen: The Spiritual Dimension of Monarchy* (London: Darton, Longman and Todd, 2002).

Bradshaw, Brendon. 1991. “Transalpine Humanism,” in Burns and Goldie, eds. (1991), 95–155.

Bramhall, John. 1842–45. *The Works of the Most Reverend Father in God, John Bramhall D.D.,* ed. AWH, 5 vols. (Oxford, J. H. Parker, 1842–45).

Brandmüller, Walter. 1968–74. *Das Konzil von Pavia-Siena, 1423–1424,* 2 vols. (Münster: Aschendorff, 1968–74).

———. 1991–99. *Das Konzil von Konstanz, 1414–1418,* 2 vols. (Paderborn: F. Schöningh, 1991–99).

Brennan, Teresa, and Carole Pateman. 1979. “‘Mere Auxiliaries to the Commonwealth’: Women and the Origins of Liberalism,” *Political Studies* 27 (1979): 183–200.

Bressolette, Claude. 1984. *Le Pouvoir dans la société et dans l’église: L‘ecclésiologie politique de Monseigner Maret* (Paris: Éditions du Cerf, 1984).

Brett, Annabel S. 1997. *Liberty, Right and Nature: Individual Rights in Late Scholastic Thought* (Cambridge: Cambridge University Press, 1997).

———, trans. 1998. *On the Power of Emperors and Popes* (Bristol: Thoemmes Press, 1998).

———, ed. 2005. *Marsilius of Padua: The Defender of the Peace* (Cambridge: Cambridge University Press, 2005).

Bridge, William. 1642. *The Wounded Conscience Cured, the Weak One Strengthened and the Doubting Satisfied by Way of Answer to Doctor Ferne* (London, 1642).

———. 1643. *The Truths of the Time Vindicated* (London, 1643).

Briggs, Charles F. 1999. *Giles of Rome’s De regimine principum: Reading and Writing Politics at Court and University, c. 1275–c. 1525* (Cambridge: Cambridge University Press, 1999).

Bromley, G. W., ed. 1953. *Zwingli and Bullinger* (London, SCM Press, Library of Christian Classics, 1953).

Bromley, J. S., and E. H. Kossmann, eds. 1960. *Britain and the Netherlands,* 2 vols. (London: Chatto and Windus, 1960).

Brown, P. Hume. 1890. *George Buchanan, Humanist and Reformer* (Edinburgh: D. Douglas, 1890).

Brown, Peter. 1982. *Society and the Holy in Late Antiquity* (Berkeley and Los Angeles: University of California Press, 1982).

Brownlee, Kevin. 2007. “Dante and the Classical Poets,” in Jacoff, ed. (2007), 141–60.

Bruce, Steve, ed. 1992. *Religion and Modernization: Sociologists and*

Historians Debate the Secularization Thesis (Oxford: Clarendon Press, 1992).

Bruni, Leonardo. 1974. *Panagerico della città di Firenze,* ed. Giuseppe De Toffol (Florence: La Nuova Italia Editrice, 1974).

Bucer, Martin, 1954–55. *De regno Christi, Libri Duo,* ed. F. Wendel, 2 vols. (Paris: Presses Universitaires de France, 1954–55).

———. 1959. *On the Kingdom of Christ,* trans. W. Pauck, in *Melanchthon and Bucer* (London: SCM Press; Library of Christian Classics, 1959).

Buckeridge, John. 1614. *De potestate papae in rebus temporalibus . . . adversus Robertum Cardinalem Bellarminum* (London, 1614).

Burgess, Glenn. 1992. *The Politics of the Ancient Constitution: An Introduction to English Political Thought, 1603–42* (University Park: Pennsylvania State University Press, 1992).

———. 1996. *Absolute Monarchy and the Stuart Constitution* (New Haven: Yale University Press, 1996).

Burnet, Gilbert. 1830. *History of the Reformation of the Church of England,* ed. E. Nares, 4 vols. (London: J. F. Dove, 1830).

Burns, J. H. 1951. "The Political Ideas of George Buchanan," *Scottish Historical Review* 30 (1951): 60–68.

———. 1963. "The Conciliarist Tradition in Scotland," *Scottish Historical Review* 42 (1963): 89–104.

———. 1981. "*Politia regalis et optima:* The Political Ideas of John Mair," *History of Political Thought* 2 (1981): 31–61.

———. 1985. "Fortescue and the Political Theory of Dominium," *Historical Journal* 28 (1985): 369–74.

———. 1986. *Absolutism: The History of an Idea* (London: Creighton Trust Lecture, 1986).

———, ed. 1988. *The Cambridge History of Medieval Political Thought, c. 350–c. 1450* (Cambridge: Cambridge University Press, 1988).

———. 1990. "The Idea of Absolutism," in Miller, ed., *Absolutism in Seventeenth-Century Europe* (1990), 21–42.

———. 1992. *Lordship, Kingship and Empire: The Idea of Empire, 1400–1525* (Oxford: Oxford University Press, 1992).

———. 1996. *The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland* (Oxford: Clarendon Press, 1996).

Burns, J. H., and Mark Goldie, eds. 1991. *The Cambridge History of Political Thought, 1450–1700* (Cambridge: Cambridge University Press, 1991).

Burns, J. H., and Thomas M. Izbicki, trans. 1997. *Conciliarism and*

Papalism (Cambridge: Cambridge University Press, 1997).

Bynum, Caroline Walker. 1987. *Holy Feast, Holy Fast: The Religious Significance of Food for Medieval Women* (Berkeley and Los Angeles: University of California Press, 1987).

———. 1995. *The Resurrection of the Body in Western Christianity, 200–1336* (New York: Columbia University Press, 1995).

———. 2007. *Wonderful Blood: Theology and Practice in Late Medieval Northern Germany and Beyond* (Philadelphia: University of Pennsylvania Press, 2007).

———. 2011. *Christian Materiality: An Essay on Religion in Late Medieval Europe* (Brooklyn, N.Y.: Zone Books, 2011).

Cajetan, Thomas de Vio, Cardinal. 1936. *De comparatione auctoritatis papae et concilii cum Apologia ejusdem tractatus,* ed. Vincent Marie Pollet (Rome: Angelicum, 1936).

Calvin, John. 1863–1900. *Joannis Calvini Opera quae supersunt omnia,* ed. G. Baum, E. Cunitz, R. Reuss, 59 vols. (Brunswick and Berlin: Schwetske, 1863–1900).

———. 1961. *Institutes of the Christian Religion,* ed. J. T. McNeill, trans. F. L. Battles, 2 vols. (Philadelphia: Westminster Press, 1961).

Cambridge Companion to Ockham, The. 1999. Ed. Paul Vincent Spade (Cambridge: Cambridge University Press, 1999).

Cambridge History of Medieval Political Thought, c. 350–c. 1450, The. 1988. Ed. J. H. Burns (Cambridge: Cambridge University Press, 1988).

Cambridge History of Political Thought, 1450–1700, The. 1991. Ed. J. H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991).

Cambridge History of Renaissance Philosophy, The. 1988. Ed. Charles B. Schmitt et al. (Cambridge: Cambridge University Press, 1988).

Camus, Albert. 1991. *The Rebel: An Essay on Man in Revolt,* trans. Anthony Bower (New York: Vintage Books, 1991).

Canning, Joseph P. 1987. *The Political Thought of Baldus de Ubaldis* (Cambridge: Cambridge University Press, 1987).

———. 1996. *A History of Medieval Political Thought, 300–1450* (London: Routledge, 1996).

Capp. B. S. 1972. *The Fifth Monarchy Men: A Study in Seventeenth-Century English Millenarianism* (London: Faber, 1972).

Cargill-Thompson, W. D. J. 1980. *Studies in the Reformation: Luther to Hooker,* ed. C. W. Dugmore (London: Athlone Press, 1980).

———. 1984. *The Political Thought of Martin Luther* (Brighton:

Harvester, 1984).

Carlyle, R. W., and A. J. Carlyle. 1903–36. *A History of Medieval Political Theory in the West,* 6 vols. (London: William Blackwood and Sons, 1903–36).

Casanova, José. 1994. *Public Religion in the Modern World* (Chicago: University of Chicago Press, 1994).

———. 2008. "Public Religion Revisited," in H. de Vries, ed., *Religion: Beyond a Concept* (Fordham: Fordham University Press, 2008).

Cassell, Anthony K. 2004. *The Monarchia Controversy* (Washington, D.C.: Catholic University of America Press, 2004).

Celenza, Christopher S. 2004. *The Lost Italian Renaissance: Humanists, Historians, and Latin's Legacy* (Baltimore: Johns Hopkins University Press, 2004).

Cerfaux, L., and J. Tondriau. 1957. *Un concurrent du Christianisme: Le culte des souverains dans la civilisation Gréco-Romain* (Tournai: Desclée, 1957).

Chabod, Federico. 1962. *La Politica di Paolo Sarpi* (Venice and Rome: Istituto per la Collaboratione Culturale, 1962).

Chambers, R. W. 1935. *Thomas More* (London: Jonathan Cape, 1935).

Chastenet, H. Bourgeois du. 1778. *Nouvelle histoire du Concile de Constance* (Paris, 1778).

Chrimes, S. B. 1936. *English Constitutional Ideas in the Fifteenth Century* (Cambridge: Cambridge University Press, 1936).

———, ed. 1942. Sir John Fortescue, *De laudibus legum Angliae* (Cambridge: Cambridge University Press, 1942).

Chrisman, Miriam V. 1967. *Strasbourg and the Reform* (New Haven: Yale University Press, 1967).

Christianson, Gerald. 1979. *Cesarini, the Conciliar Cardinal: The Basel Years, 1431–1438* (St. Ottilien: EOS Verlag, 1979).

Church, William F. 1941. *Constitutional Thought in Sixteenth-Century France: A Study in the Evolution of Ideas* (Cambridge: Harvard University Press, 1941).

Clasen, Claus-Peter. 1972. *Anabaptism: A Social History, 1525–1618; Switzerland, Austria, Moravia and South and Central Germany* (Ithaca: Cornell University Press, 1972).

Clebsch, W. A. 1964. *England's Earliest Protestants, 1520–25* (New Haven: Yale University Press, 1964).

Clermont, Thomas Lord, ed. 1869. *The Works of Sir John Fortescue, Knight,* 2 vols. (London: privately printed, 1869).

Cochrane, Eric W. 1961. "Machiavelli: 1940–1960," *Journal of Modern*

History 33 (1961): 119–30.

Coleman, Janet. 1985. "*Dominium* in Thirteenth and Fourteenth-Century Political Thought and its Seventeenth-Century Heirs: John of Paris and John Locke," *Political Studies* 33 (1985): 73–100.

———. 1987. "The Two Jurisdictions: Theological and Legal Justifications of Church Property in the Thirteenth Century," *Studies in Church History* 23 (1987): 73–110.

———. 1988. "Property and Poverty," in Burns, ed., *The Cambridge History of Medieval Political Thought* (1988), 607–48.

———. 1991a. "The Dominican Political Theory of John of Paris in Its Context," in Diana Wood, ed., *The Church and Sovereignty, c. 590–1918: Essays in Honour of Michael Wilks* (Oxford: Basil Blackwell, 1991), 187–223.

———. 1991b. "The Relation between Ockham's Intuitive Cognition and His Political Science," in *Théologie et droit dans la science politique de l'état moderne* (Rome, 1991), 71–88.

———. 1992. "The Intellectual Milieu of John of Paris OP," in Jürgen Miethke, ed., *Das Publikum politischer Theorie im 14. Jahrhundert* (Munich: R. Oldenbourg Verlag, 1992), 173–206.

———. 2000. *A History of Political Thought: From the Middle Ages to the Renaissance* (Oxford: Blackwell, 2000).

Collingwood, R. G. 1945. *The Idea of Nature* (Oxford: Oxford University Press, 1945).

Collinson, P. 1967. *The Elizabethan Puritan Movement* (London: Cape, 1967).

Congar, Yves. 1961. "Aspects ecclésiologiques de la querelle entre mendiants et séculaires dans la seconde moitié des xiiie siècle et le début du xive," *Archives D'histoire Doctrinale et Littéraire du Moyen Âge* 25 (1961): 35–151.

Connell, William J. 2000. "The Republican Idea," in Hankins, ed. (2000), 14–29.

Constable, A., ed. and trans. 1892. *A History of Greater Britain, as Well England as Scotland Compiled from the Ancient Authorities by John Major* (Edinburgh: University Press, 1892).

Constable, Giles. 1996. *The Reformation of the Twelfth Century* (Cambridge: Cambridge University Press, 1996).

Copleston, Frederick. 1963–65. *A History of Philosophy,* 7 vols. (Garden City, N.Y.: Doubleday, 1963–65).

Corpus Juris Canonici. 1879–81. Ed. E. Friedberg, 2 vols. (Leipzig: B.

Tauchnitz, 1879–81).

Corpus Juris Civilis. 1899–1902. Ed. P. Krueger, Th. Mommsen, and R. Schoell, 3 vols. (Berlin: Weidman, 1899–1902).

Courtenay, William J. 2004. "University Masters and Political Powers: The Parisian Years of Marsilius of Padua," in Kaufhold, ed. (2004), 209–23.

———. 2012. "Marsilius of Padua at Paris," in Moreno-Riaño and Nederman, eds. (2012), 57–70.

Cozzi, G. 1956. "Fra Paolo Sarpi: L'Anglicanesimo e la Historia del Concilio Tridentino," *Rivista Storica Italiana* 63 (1956): 556–619.

Cranz, F. E. 1959. *An Essay in the Development of Luther's Thought on Justification, Law, and Society* (Cambridge: Harvard University Press, 1959).

Crowder, C. M. D., ed. 1964. "Constance *Acta* in English Libraries," in Franzen and Müller, eds. (1964), 477–517.

———. 1977. *Unity, Heresy and Reform, 1378–1460: The Conciliar Response to the Great Schism* (New York: St. Martin's Press, 1977).

CSEL = Corpus Scriptorum Ecclesiasticorum Latinorum, 96 vols. (Vienna: G. Geraldi Filium Bibliopolam Academiae, 1866–).

CSSL = Corpus Scriptorum Christianorum: Series Latina, 96 vols. (Tournholti: Typographia Brepols Editores Pontifici, 1954–).

Cudworth, Ralph, 1938. *Treatise Concerning Eternal and Immutable Morality,* in Baird, ed. (1938), vol. 2.

CW = Complete Works of St. Thomas More, The. 1965. Ed. Richard S. Sylvester, 7 vols. (New Haven: Yale University Press, 1965).

D'Addio, Mario. 1954. *L'Idea del contratto sociale dai sofisti alla riforma e il De Principatu di Mario Salamonio* (Milan: Giuffré. 1954).

Daly, James. 1978. "The Idea of Absolute Monarchy in Seventeenth-Century England," *Historical Journal* 21 (1978): 227–50.

———. 1979. *Cosmic Harmony and Political Thinking in Early Stuart England,* Transactions of the American Philosophical Society, n.s. 79, pt. 7 (Philadelphia: 1979).

Daly, L. J. 1962. *The Political Theory of John Wyclif* (Chicago: Loyola University Press, 1962).

Dante Alighieri. 1965. *Dante Alighieri, Monarchia* (Milan: Società Dantesca Italiana, 1965).

———. 1966. *Il Convivio,* ed. Maria Simonelli (Bologna: Patroni, 1966).

———. 1966. *Dante Alighieri Epistolae,* ed. and trans. Paget Toynbee, 2nd ed. (Oxford: Clarendon Press, 1966).

———. 1989. *Dante's The Banquet,* trans. Christopher Ryan (Saratoga, Calif.: ANMA Libri, 1989).

———. 1995. *Dante's Monarchia,* ed. and trans. Prue Shaw (Cambridge: Cambridge University Press, 1995).

Davies, Sir John. 1656. *The Question Concerning Impositions, Tonnage, Poundage . . . Fully Stated and Argued from Reason, Law and Policy* (London, 1656).

Davis, Charles T. 1957. *Dante and the Idea of Rome* (Oxford: Clarendon Press, 1957).

———. 1974 "Ptolemy of Lucca and the Roman Republic," *Proceedings of the American Philosophical Society* 118 (1974): 30–50.

———. 1975. "Roman Patriotism and Republican Propaganda: Ptolemy of Lucca and Pope Nicholas III," *Speculum* 50 (1975): 411–33.

———. 2007. "Dante and the Empire," in Jacoff, ed. (2007), 257–69.

Davis, J. C. 1968. "The Levellers and Democracy," *Past and Present* 40 (1968): 174–80.

Dawson, James D. 1983. "Richard Fitzralph and the Fourteenth-Century Poverty Controversies," *Journal of Ecclesiastical History* 34 (1983): 315–44.

De Caprariis, V. 1959. *Propaganda e pensiero politico in Francia durante le guerre di religione I 1559–72* (Naples: Edizioni Scientifiche Italiane, 1959).

De la Brosse, Olivier. 1965. *Le Pape et le Concile: La comparaison de leurs pouvoirs à la veille de la Réforme* (Paris: Éditions du Cerf, 1965).

———, et al. 1975. *Latran V et Trente,* vol. 10 of Gervais Dumeige, ed., *Histoire des conciles oecuméniques* (Paris: Éditions de l'Orante, 1975).

De Lagarde, Georges. 1926. *Recherches sur l'esprit politique de la réforme* (Paris: Éditions A. Picard, 1926).

———. 1956–70. *La naissance de l'esprit laique au déclin du moyen age,* nouvelle édition refondu, 5 vols. (Paris and Louvain: Beatrice, Nauwelaerts, 1956–70).

De Maistre, Joseph. 1966. *Du pape,* ed. Jacques Lovie and Joanne Chétail (Geneva: Librairie Droz, 1966).

D'Entrèves, Alexander Passerin. 1939. *The Medieval Contribution to Political Thought: Thomas Aquinas, Marsilius of Padua, Richard Hooker* (Oxford: Oxford University Press, 1939).

———. 1952. *Dante as Political Thinker* (Oxford: Clarendon Press,

1952).

———, ed. 1959. *Aquinas: Selected Political Writings* (Oxford: Blackwell, 1959).

———. 1967. *The Notion of the State: An Introduction to Political Theory* (Oxford: Oxford University Press, 1967).

Deppermann, Klaus, et al., 1975. "From Monogenesis to Polygenesis: The Historical Discussion of Anabaptist Origins," *Mennonite Quarterly Review* 49 (1975): 83–122.

Deutsche Reichstagsakten. 1898–1939. Altare Reihe. Ed. H. Weigel et al., 17 vols. (Munich: J. G. Cotta, 1898–1939).

De Vooght, Paul. 1960. "Le conciliarisme aux Conciles de Constance et Bâle," in B. Botte et al., *Le Concile et les conciles: Contribution à l'histoire de la vie de l'église* (Chevetogne and Paris: Éditions de Chevetogne, 1960).

Dictionnaire de droit canonique. 1935–65. 7 vols. (Paris: Letourzey et Ané, 1935–65).

Dolcini, Carlo. 1995. *Introduzione a Marsilio da Padova* (Rome-Bari: Latarza, 1995).

Döllinger, Ignaz von ("Quirinus"). 1870. *Letters from Rome on the Council.* Authorized translation of the text reprinted from the *Allgemeine Zeitung,* 2 vols. (London: Rivingtons, 1870).

Dore, R. P. 1965. *Education in Tokugawa Japan* (Berkeley and Los Angeles, University of California Press, 1965).

Douie, Decima. 1932. *The Nature and the Effect of the Heresy of the Fraticelli* (Manchester: Manchester University Press, 1932).

Doussinague, José M. 1946. *Fernando el Católico y el cisma de Pisa* (Madrid: Espasa-Calpe, 1946).

Dunn, John. 1969. *The Political Thought of John Locke* (Cambridge: Cambridge University Press, 1969).

———. 1994. "The Identity of the Bourgeois Liberal Republic," in Fontana, ed. (1994): 206–25.

Dunn, Susan. 1994. *The Deaths of Louis XVI: Regicide and the French Political Imagination* (Princeton: Princeton University Press, 1994).

Du Perron, Jacques Davy, Cardinal. 1616. *An Oration Made on the Part of the Lordes Spirituall in the Chamber of the Third Estate.* Translated into English (St. Omer, 1616).

Dupin, Louis Ellies, ed. 1706. Jean Gerson, *Opera Omnia,* 5 vols. (Antwerp, 1706).

Dvornik, Francis. 1966. *Early Christian and Byzantine Political Philosophy: Origins and Background,* 2 vols. (Washington, D.C.:

Dumbarton Oaks Center for Byzantine Studies, 1966).

Dyson, R. W., ed. and trans. 2004. *Giles of Rome's On Ecclesiastical Power: A Medieval Theory of World Government* (New York: Columbia University Press, 2004).

Eckermann, K. 1933. *Studien zur Geschichte des monarchischen Gedankens im 15. Jahrhundert* (Berlin: W. Rothschild, 1933).

Eco, Umberto. 1986. *Travels in Hyperreality: Essays,* trans. William Weaver (San Diego: Harcourt, Brace and Janovich, 1986).

Ehrle, Franz, ed. 1906. *Martin de Alpartils Chronica Actitatorum* (Paderborn: F. S. Schöniingh, 1906).

Eigli, F., and G. Finster, eds. 1905–59. *Huldreich Zwinglis Sämtlichen Werke,* 14 vols. (Berlin: Verlag Schwetschke, 1905–59).

Erasmus, Desiderius. 1935. Desiderius Erasmus, *De libero arbitrio,* ed. D. J. von Walter (Leipzig: Deichertische Verlagsbuchhandlung, 1935).

———. 1948. *The Education of a Christian Prince,* trans. Lester K. Born (New York: Columbia University Press, 1948).

———. 1961. *Opera Omnia,* 10 vols. in 11 (Hildersheim: Ohms, 1961).

———. 1969. *On Free Choice of the Will/De libero arbitrio in Luther and Erasmus: Free Will and Salvation,* ed. and trans. E. G. Rupp (London: Westminster Press, 1969).

Fasolt, Constantin. 1991. *Councils and Hierarchy: The Political Thought of William Durant the Younger* (Cambridge: Cambridge University Press, 1991).

———. 2004. *The Limits of History* (Chicago: University of Chicago Press, 2004).

Ferguson, A. B. 1959. "Fortescue and the Renaissance: A Study of Transition," *Studies in the Renaissance* 6 (1959): 175–94.

Ferguson, Wallace K. 1948. *The Renaissance in Historical Thought: Five Centuries of Interpretation* (Boston: Houghton Mifflin, 1948).

Ferne, Henry. 1643a. *The Resolving of Conscience upon This Question: Whether . . . Subjects May Take up Arms and Resist,* 2nd ed. (Oxford, 1643).

———. 1643b. *Conscience Satisfied: That There Is No Warrant for the Arms Now Taken up by Subjects* (Oxford, 1643).

Ferrante, Joan. 1984. *The Political Vision of the Divine Comedy* (Princeton: Princeton University Press, 1984).

Ferry, Luc, and Alarn Renaut. 1990. *French Philosophy of the Sixties: An Essay on Antihumanism,* trans. Mary H. S. Cattani (Amherst: University of Massachusetts Press, 1990).

Ferster, Judith. 1996. *Fictions of Advice: The Literature and Politics of Counsel in Late Medieval England* (Philadelphia: University of Pennsylvania Press, 1996).

Fesefeldt, Wiebke. 1962. *Englische Staatstheorie des 13. Jahrhunderts. Henry de Bracton und sein Werk* (Göttingen: Musterschmidt, 1962).

Figgis, John Neville. 1960. *Political Thought from Gerson to Grotius, 1414–1625: Seven Studies* (New York: Harper and Row, 1960).

———. 1965. *The Divine Right of Kings* (New York: Harper and Row, 1965).

Fletcher, Christopher D. 2008. *Richard II* (Oxford: Oxford University Press, 2008).

Folz, Robert. 1969. *The Concept of Empire in Western Europe from the Fifth to the Fourteenth Century,* trans. Sylvia Ann Ogilvie (New York: Harper and Row, 1969).

Fontana, Biancamaria, ed. 1994. *The Invention of the Modern Republic* (Cambridge: Cambridge University Press, 1994).

Forset, Edward. 1606. *A Comparative Discourse of the Bodies Natural and Politique* (London, 1606).

Förster, Winfried. 1969. *Thomas Hobbes und der Puritanismus: Grundlagen und Grundfragen seiner Staatslehre* (Berlin: 1969).

Fortescue, Sir John. 1869. *The Works of Sir John Fortescue, Knight,* ed. Thomas Lord Clermont, 2 vols. (London: privately printed, 1869).

———. 1885. *The Governance of England,* ed. Charles Plummer (Oxford: Clarendon Press, 1885).

———. 1942. *De laudibus legum Angliae,* ed. S. B. Chrimes (Cambridge: Cambridge University Press, 1942).

———. 1997. *On the Laws and Governance of England,* by Sir John Fortescue, ed. Shelley Lockwood (Cambridge: Cambridge University Press, 1997).

Foucault, Michel. 1970. *The Order of Things: An Archaeology of the Human Sciences* (London: Tavistock Publications, 1970).

———. 1972. *The Archaeology of Knowledge,* trans. A. H. Sheridan Smith (New York: Pantheon Books, 1972).

Fowler, George B. 1947. *Intellectual Interests of Englebert of Admont* (New York: Columbia University Press, 1947).

Foxe, John. 1837–41. *Actes and Monuments of Those Latter and Perilous Dayes, Touching Matters of the Church,* ed. St. Reed Cattley, 8 vols. (London: R. B. Seeley and W. Burnside, 1837–41).

Frank, Joseph. 1955. *The Levellers, a History of the Writings of Three Seventeenth-Century Democrats: John Lilburne, Richard Overton,*

William Walwyn (Cambridge: Harvard University Press, 1955).

Franke, Wolfgang. 1960. *The Reform and Abolition of the Traditional Chinese Examination System* (Cambridge: Harvard University Press, 1960).

Franklin, Julian H., ed. and trans. 1969. *Constitutionalism and Resistance in the Sixteenth Century: Three Treatises by Hotman, Beza, and Mornay* (New York: Pegasus, 1969).

———. 1979. Review of Quentin Skinner, *Foundations of Modern Political Thought (1978),* in *Political Theory* 7 (1979): 552–58.

Franzen, A., and W. Müller, eds. 1964. *Das Konzil von Konstanz: Beiträge zu seiner Geschichte und Theologie* (Freiburg: Herder, 1964).

Franzen, August. 1965. "The Council of Constance: Present State of the Problem," *Concilium* 7 (1965): 29–68.

Freppert, Lucan. 1988. *The Basis of Morality According to William of Ockham* (Chicago: Franciscan Herald Press, 1988).

Friedberg, E., ed. 1879–81. *Corpus Juris Canonici,* 2 vols. (Leipzig: B. Tauchnitz, 1879–81).

Gansfort, Wessel. 1614. *Wesseli Gansforti Gronungensis . . . Opera omnia* (Grönungen, 1614).

Gardiner, Stephen. 1930. *De vera obendienta/The Oration of True Obedience,* in *Church and State: Three Political Tracts by Stephen Gardiner,* ed. P. Janelle (Cambridge: Cambridge University Press, 1930).

Garin, Eugenio. 1951. *L'umanesimo italiano* (Bari: G. Laterze, 1951).

———. 1954. *Medioevo e Rinascimento: Studi e ricerche* (Bari: G. Laterze, 1954).

———. 1959. "I Cancellieri Umanisti della Republica Fiorentina de Coluccio Salutati a Bartolumeo Scala," *Revista Storia Italiana* 71 (1959): 185–201.

———. 1965. *Italian Humanism: Philosophy and Civil Life in the Renaissance* (New York: Harper and Row, 1965).

———. 1990. "Leonardo Bruni *politice e cultura,*" in Viti, ed. (1990), 3–14.

Garnett, George. 2006. *Marsilius of Padua and "the Truth of History"* (Oxford: Oxford University Press, 2006).

———, ed. and trans. 1994. *Vindiciae contra tyrannos* (Cambridge: Cambridge University Press, 1994).

Geerkin, J. A. 1976. *Machiavelli Studies since 1969* (New York: Journal of the History of Ideas, 1976).

Gerson, Jean. 1960–73. *Oeuvres complètes,* ed. Palemon Glorieux, 10 vols. (Paris: Desclée, 1960–73).

Gewirth, Alan. 1951–56. *Marsilius of Padua: The Defender of Peace,* 2 vols. (New York: Columbia University Press, 1951–56).

———. 1979. "Republicanised Absolutism in the Thought of Marsilius of Padua," *Medioevo* 5 (1979): 23–48.

Gierke, Otto von. 1900. *Political Theories of the Middle Age,* ed. and trans. F. W. Maitland (Cambridge: Cambridge University Press, 1900).

Giesey, R. E. 1970. "The Monarchomach Triumvirs: Hotman, Beza and Mornay," *Bibliothèque d'Humanisme et Renaissance* 32 (1970): 41–56.

Giesey, R. E., and J. H. M. Salmon, eds. and trans. 1972. François Hotman, *Francogallia* (Cambridge: Cambridge University Press, 1972).

Gilbert, Allan, trans. 1965. *Machiavelli: The Chief Works and Others,* 2 vols. (Durham, N.C.: Duke University Press, 1965).

Gilbert, Felix. 1943. "Sir John Fortescue's 'Dominium regale et politicum,'" *Medievalia et Humanistica* fasc. 1 (1943): 88–97.

———. 1965. *Machiavelli and Guicciardini: Politics and History in Sixteenth-Century Florence* (Princeton: Princeton University Press, 1965).

Gilson, Étienne. 1937. *The Unity of Philosophical Experience* (New York: Charles Scribner's Sons, 1937).

———. 1968. *Dante and Philosophy,* trans. David Mowe (Gloucester, Mass.: Peter Smith, 1968).

Glorieux, Palemon, ed. 1960–73. Jean Gerson, *Oeuvres complètes,* 10 vols. (Paris: Desclée. 1960–73).

Godthardt, Frank. 2006. "The Philosopher as Political Actor–Marsilius of Padua at the Court of Ludwig the Bavarian: The Sources Revisited," in Moreno Riaño, ed., 2006, 29–46.

Gogan, B. 1982. *The Common Corps of Christendom: Ecclesiological Themes in the Writings of Sir Thomas More* (Leiden: Brill, 1982).

Goldast, Melchior, ed. 1611–13. *Monarchia S. Romani Imperii,* 3 vols. (Frankfurt: 1611–13).

Gough, J. W. 1936. *The Social Contract: A Critical Study of Its Development* (Oxford: Oxford University Press, 1936).

Goulart, Simon, ed. 1579. *Mémoires de l'estat de France sous Charles IX,* 2nd ed., 3 vols. (Meidelbourg, 1579).

Grafton, Anthony. 1991. "Humanism and Political Theory," in *The*

Cambridge History of Political Thought, 1450–1700, ed. Burns and Goldie (1991), 9–29.

Greenleaf, W. H. 1957. "James I and the Divine Right of Kings," *Political Studies* 5 (1957): 36–48.

———. 1960. "Filmer's Patriarchal History." *Historical Journal* 9 (1960): 157–71.

———. 1964a. *Order, Empiricism, and Politics: Two Traditions of English Political Thought, 1500–1700* (London: Oxford University Press, 1964).

———. 1964b. "The Thomasian Tradition and the Theory of Absolute Monarchy," *English Historical Review* 79 (1964): 747–60.

Grinaschi, M. 1960. "Nicolas Oresme et son commentaire à la 'Politique' d'Aristotle," in *Album Helen Maud Cam,* 2 vols. (Louvain: Publications Universitaires de Louvain, Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions, No. 23, 1960), 1:95–152.

Grison, Roberto. 1992. "Il problema del cardinalato nell' Ostiense," *Archivum Historiae Pontificiae* 30 (1992): 125–57.

Guy, J. A. 2000. *Thomas More* (New York: Oxford University Press, 2000.)

Gwynn, Aubrey. 1940. *The English Austin Friars in the Time of Wyclif* (London: Oxford University Press, 1940).

Hallam, Henry. 1901. *View of the State of Europe in the Middle Ages,* 3 vols. (London, 1901; first published in 1818).

Haller, Johannes. 1903. *Papsttum und Kirchenreform: Vier Kapitel zur Geschichte des ausgehenden Mittelalters* (Berlin: Weidmann, 1903).

———. 1941. *Piero da Monte: Ein Gelehrter und Päpstlicher Beamter des 15. Jahrhunderts* (Rome: W. Regenberg, 1941).

Hamilton-Bleakley, Holly. 2006. "Marsilius of Padua's Conception of Natural Law Revisited," in Moreno-Riaño, ed. (2006), 125–42.

Hankins, James. 1995. "The 'Baron Thesis' after Forty Years and Some Recent Studies of Leonardo Bruni," *Journal of the History of Ideas* 56 (1995): 309–38.

———. 1996. "Humanism and the Origins of Modern Political Thought," in Kraye, ed. (1996), 118–41.

———, ed. 2000. *Renaissance Civic Humanism: Reappraisals and Reflections* (Cambridge: Cambridge University Press, 2000).

Harpsfield, Nicholas. 1932. *The Life and Death of Sir Thomas Moore, Knight, Sometime Lord High Chancellor of England,* ed. E. V.

Hitchcock (London: Early English Text Society No. 186, 1932).

Harvey, Margaret. 1993. *England, Rome and the Papacy, 1417–1464: The Study of a Relationship* (Manchester: Manchester University Press, 1993).

Hawkins, Peter S. 2007. "Dante and the Bible," in Jacoff, ed. (2007), 125–40.

Hay, Denys, and W. K. Smith, eds. 1967. *De Gestis Concilii Basiliensis Commentariorum. Libri II,* by Aeneas Sylvius Piccolominus (Oxford: Oxford University Press, 1967).

Headley, John M. 1983. *The Emperor and His Chancellor: A Study of the Imperial Chancellery under Gattinara* (Cambridge: Cambridge University Press, 1983).

———. 1997. *Tommaso Campanella and the Transformation of the World* (Princeton: Princeton University Press, 1997).

Hegel, G. W. F. 1899. *Philosophy of History,* trans. J. Sibree (New York: Colonial Press, 1899).

———. 1953. *Reason in History: A General Introduction to the Philosophy of History,* trans. Robert S. Hartman (New York: Liberal Arts Press, 1953).

———. 1971. *Hegel's Philosophy of Right,* trans. T. M. Knox (New York: Oxford University Press, 1971).

Heimpel, Heinrich. 1932. *Dietrich von Niem* (Münster: Regenbergsche Verlags–Buchhandlung, 1932).

Henn, William. 1998. "Historical-Theological Synthesis of the Relation between Primacy and Episcopacy during the Second Millennium," in *Il Primato del successore di Pietro* (1998), 222–73.

Herméren, Goran. 1975. *Influence in Art and Literature* (Princeton: Princeton University Press, 1975).

Hesslman, B., ed. 1914–17. *Samlade Skrifter af Olavus Petri,* 4 vols. (Upsala: Sveriges Krislega Studentrarelses Forlag, 1914–17).

Hillerbrand, Hans, ed. 1996. *The Oxford Encyclopedia of the Reformation,* 4 vols. (Oxford: Oxford University Press, 1996).

Hillgarth, J. N. 1978. *The Spanish Kingdoms, 1250–1516,* 2 vols. (Oxford: Oxford University Press, 1978).

Hinrichs, C., ed. 1950. *Auslegung des zweiten Kapitels Daniels* ("Die Furstenpredigt") by Thomas Müntzer (Halle: Niemeyer, 1950).

Hinton, R. W. K. 1960. "English Constitutional Theories from Sir John Fortescue to Sir John Eliot," *English Historical Review* 75 (1960): 410–25.

Hirsch, K. 1903. *Die Ausbildung der Konziliaren Theorie in XIV*

Jahrhundert (Vienna: Mayer, 1903).

Hobbes, Thomas. 1946. *Leviathan,* ed. Michael Oakeshott (Oxford: Basil Blackwell, 1946).

Hollander, Robert. 2001. *Dante: A Life in Work* (New Haven: Yale University Press, 2001).

———. 2007. "Dante and His Commentators," in Jacoff, ed. (2007), 270–80.

Holmes, George. 2000. *Europe: Hierarchy and Revolt, 1320–1450,* 2nd ed. (Oxford: Blackwell, 2000).

Hooker, Richard. 1977–81. *The Folger Library Edition of the Works of Richard Hooker,* ed. G. Edelin, W. Speed Hill, and P. G. Stanwood, 3 vols. (Cambridge: Harvard University Press, 1977–81).

Höpfl, Harro. 1982. *The Christian Polity of John Calvin* (Cambridge: Cambridge University Press, 1982).

———. 2004. *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1631* (Cambridge: Cambridge University Press, 2004).

Höpfl, Harro, and Martyn P. Thompson. 1979. "The History of Contract as a Motif in Political Thought," *American Historical Review* 94 (1979): 919–44.

Hopkins, Jasper. 1982. *A Concise Introduction to Nicholas of Cusa,* 2nd ed. (Minneapolis: University of Minnesota Press, 1982).

Hörnqvist, Mikael. 2000. "The Two Myths of Civic Humanism," in Hankins, ed. (2000), 105–42.

Hostiensis (Henricus de Segusia). 1512. *Lectura in Quinque Decretalium Gregorianorum* (Paris, 1512).

Hotman, François. 1972. *Francogallia,* ed. R. E. Giesey and J. H. M. Salmon (Cambridge: Cambridge University Press, 1972).

Hübler, Bernhard. 1867. *Die Constanzer Reformation und die Concordate von 1418* (Leipzig: B. Tauchnitz, 1867).

Hudson, Ann, and Michael Wilks, eds. 1987. *From Ockham to Wyclif* (Oxford: Blackwell, 1987).

Hudson, W. S. 1942. *John Ponet (1516?–1556), Advocate of Limited Monarchy* (Chicago: University of Chicago Press, 1942).

Hyde, J. K. 1973. *Society and Politics in Medieval Italy: The Evolution of the Civil Life* (New York: St. Martin's Press, 1973).

Il Primato del Successore di Pietro. 1998. Atti del Simposio Teologico, Roma, dicembre 1996 (Vatican City: Libreria Editrice Vaticana, 1998).

Iserloh, E., ed. 1965. *Reformata Reformanda,* 2 vols. (Münster: Aschendorff, 1965).

Izbicki, Thomas M. 1981. *Protector of the Faith: Cardinal Johannes de Turrecremata and the Defense of the Institutional Church* (Washington, D.C.: Catholic University Press, 1981).

———. 1986. "Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present," *Church History* 55 (1986): 7–20.

Izbicki, Thomas M., and Christopher M. Bellito, eds. 2000. *Reform and Renewal in the Middle Ages and the Renaissance: Studies in Honor of Louis Pascoe, S.J.* (Leiden: Brill, 2000).

Izbicki, Thomas M., and Cary J. Nederman, eds. and trans. 2000. *Three Tracts on Empire: Englebert of Admont, Aeneas Sylvius Piccolomini, and Juan de Torquemada* (Bristol: Thoemmes, 2000).

Jacob, E. F. 1953. *Essays in the Conciliar Epoch,* 2nd ed. (Manchester: Manchester University Press, 1953).

Jacoff, Rachel, ed. 2007. *The Cambridge Companion to Dante,* 2nd ed. (New York: Cambridge University Press, 2007).

Jaeger, C. Stephen. 1994. *The Envy of Angels: Cathedral Schools and Social Ideas in Medieval Europe, 950–1200.* (Philadelphia: University of Pennsylvania Press. 1994).

Jaeger, Werner. 1939–45. *Paideia. The Ideals of Greek Culture,* 3 vols. (Oxford: Oxford University Press, 1939–45).

James VI and I. 1620. *Meditation upon the 27, 28, 29 Verses of the XXVII Chapter of St. Matthew, or A Paterne for a Kings Inauguration* (London, 1620).

———. 1918. *The Political Works of James I,* ed. C. H. McIlwain (Cambridge: Harvard University Press, 1918).

Jedin, Hubert. 1952–61. *A History of the Council of Trent,* trans. Ernest Graf, 2 vols. (London: Thomas Nelson and Sons, 1952–61).

Jeudy, Colette, and Jeannine Quillet, eds. 1979. *Marsile de Padoue, Oeuvres Mineures* (Paris: Éditions du Centre National de la Recherche Scientifique, 1979).

John of Paris. 1969. *De regia potestate et papali,* ed. Bleienstein (1969).

———. 1971. *On Royal and Papal Power,* trans. J. A. Watt (Toronto: Pontifical Institute of Mediaeval Studies, 1971).

Johnson, Robert C., et al., eds. 1972–83. *Commons Debates, 1628,* 6 vols. (New Haven: Yale University Press, 1972–83).

Jordan, William Chester, 1996. *The Great Famine: Northern Europe in Early Fourteenth Century* (Princeton: Princeton University Press, 1996).

Kallen, Gerhard, ed. 1932–68. *De concordantia catholica libri tres,* in vol. 14 of Nicholas of Cusa, *Opera Omnia,* 23 vols. (Leipzig:

Heidelberger Akademie der Wissenschaften, 1932–68).

Kaminsky, Howard. 1967. *A History of the Hussite Revolution* (Berkeley and Los Angeles: University of California Press, 1967).

———. 1983. *Simon de Gramaud and the Great Schism* (New Brunswick, N.J.: Rutgers University Press, 1983).

Kammen, Henry. 1984. *European Society, 1500–1700* (London: Hutchinson, 1984).

Kantorowicz, Ernst. 1957. *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: Princeton University Press, 1957).

Kaufhold, M., ed. 2004. *Politische Reflexion in der Welt des späten Mittelalters. Essays in Honor of Jürgen Miethke* (Leiden: Brill, 2004).

Kautsky, Karl. 1927. *Thomas More and His Utopia,* trans. H. J. Stenning (London: Russell and Russell, 1927).

Keen, M. H. 1965. "The Political Thought of the Fourteenth-Century Civilians," in Smalley, ed. (1965), 105–26.

Kilcullen, John. 1999. "The Political Writings [of Ockham]," in Spade, ed. (1999), 302–25.

Kimball, Bruce. 1986. *Orators and Philosophers: A History of the Idea of Liberal Education* (New York: Teachers College, Columbia University, 1986).

Kingdon, Robert. 1956. *Geneva and the Coming of the Wars of Religion in France, 1555–1563* (Geneva: Librairie E. Druz, 1956).

———. 1963–64. "Calvinism and Democracy: Some Political Implications of Debates on French Reformed Church Government, 1562–72," *American Historical Review* 69 (1963–64), 393–401.

———, ed. 1970. Théodore de Beza, *Du droit des magistrats* (Geneva: Librairie Droz, 1970).

———. 1991. "Calvinism and Resistance Theory, 1550–1580," in Burns and Goldie, eds. (1991), 193–218.

Kirschner, Julius. 1973. "Civitas sibi faciat civem: Bartolus of Sassoferrato's Doctrine on the Making of a Citizen," *Speculum* 48 (1973): 694–713.

———. 1974. "'Ars imitator naturam': A Consilium of Baldus on Naturalization in Florence," *Viator* 5 (1974): 289–331.

———. 1979. "Between Nature and Culture: An Opinion of Baldus of Perugia on Venetian Citizenship as Second Nature," *Journal of Medieval and Renaissance Studies* 9 (1979): 179–208.

Kley, Dale K. Van. 1996. *The Religious Origins of the French Revolution: From Calvin to the Civil Constitution, 1560–1791* (New Haven: Yale University Press, 1996).

Knolles, Richard, trans. 1606. *The Six Bookes of a Commonweale Written by J. Bodin* (London: G. Bishop, 1606). Facsimile reprint, ed. Kenneth Douglas McRae (Cambridge: Harvard University Press, 1962).

Knysh, George. 1996. *Political Ockhamism* (Winnipeg: WCO Council of Learned Societies, 1996).

Kohl, Benjamin G., and Ronald C. Witt, eds. 1978. *The Earthly Republic: Italian Humanists on Government and Society* (Philadelphia: University of Pennsylvania Press, 1978).

Kölmel, W. *Wilhelm Ockham und seine kirchenpolitischen Schriften* (Essen: Ludgerus-Verlag, 1962).

Kossman, E. H. 1960. "The Development of Dutch Political Theory in the Seventeenth Century," in Bromley and Kossman, eds. (1960), 91–110.

Kraye, Jill, ed. 1996. *The Cambridge Companion to Renaissance Humanism* (Cambridge: Cambridge University Press, 1996).

Kristeller, Paul Oskar. 1961. *Renaissance Thought in the Classical, Scholastic, and Humanist Strains,* rev. ed. (New York: Harper and Row, 1961).

———. 1988. "Humanism," in Schmitt et al., eds. (1988) 113–32.

Krueger, P., Th. Mommsen, and R. Schoell, eds. 1899–1902. *Corpus Juris Civilis,* 3 vols. (Berlin: Weidman, 1899–1902).

Krynen, Jacques. 1988. "'De nostre certaine science' . . . Remarques sur l'absolutisme législatif de la monarchie française," in H. Gouron and A. Rigaudière, eds., *Renaissance du pouvoir législatif et génèse de l'État* (Montpellier: Publications de la Société d'Histoire de Droit et des Institutions des Anciens Pays de Droit Écrit, 3, 1988), 131–44.

———. 1993. *L'Empire du roi: Idées et croyances politiques en France, xiii–xv siècle* (Paris: Gallimard, 1993).

Lahey, Stephen E. 2003. *Metaphysics and Politics in the Thought of John Wyclif* (Cambridge: Cambridge University Press, 2003).

Lambert, Martin. 1961. *Franciscan Poverty: The Doctrine of the Absolute Poverty of Christ and the Apostles in the Franciscan Order, 1210–1323* (London: SPCK, 1961).

Larson, Andrew E. 2006. "John Wyclif c. 1331–1384," in Levy, ed. (2006), 1–65.

Laski, H. J. 1911–36. "Political Theory in the Later Middle Ages," in *Cambridge Medieval History,* 8 vols. (Cambridge: Cambridge University Press, 1911–36), 8:620–45.

Laslett, Peter, ed. 1965. *John Locke: Two Treatises of Government,* rev. ed. (New York and London: Cambridge University Press, 1965).

Latini, Brunetto. 1948. *Le Livre du Tresors,* ed. Francis J. Carmody (Berkeley and Los Angeles: University of California Press, 1948).

Leff, Gordon. 1967. *Heresy in the Later Middle Ages: The Relation of Heterodoxy to Dissent, c. 1250–c. 1450,* 2 vols. (Manchester: Manchester University Press, 1967).

Levenson, Joseph R. 1958–65. *Confucian China and its Modern Fate,* 3 vols. (Berkeley and Los Angeles: University of California Press, 1958–65).

Levy, Ian C. 2006. *A Companion to John Wyclif, Late Medieval Theologian* (Leiden: Brill, 2006).

Lewis, Ewart. 1954. *Medieval Political Ideas,* 2 vols. (London: Routledge and Kegan Paul, 1954).

———. 1963. "The 'Positivism' of Marsiglio of Padua," *Speculum* 38 (1963): 541–82.

———. 1964. "King above Law? 'Quod principi placuit' in Bracton," *Speculum* 30 (1964): 240–69.

Lilburne, John. 1646. *London's Liberty in Chains Discovered* (London, 1646).

———. 1647. *Regall Tyrannie Discovered* (London, 1647).

———. 1951. *The Free Man's Freedom Vindicated,* in Woodhouse, ed. (1951), 317–18.

Lockwood, Shelley, ed. 1997. *On the Laws and Governance of England,* by Sir John Fortescue (Cambridge: Cambridge University Press, 1997).

Lockyer, Andrew. 1979. "'Traditions' as Context in the History of Political Thought," *Political Studies* 27 (1979), 201–17.

Logan, G. M., R. M. Adams, and C. H. Miller, eds. 1995. *More: Utopia, Latin Text and English Translation* (Cambridge: Cambridge University Press, 1995).

Lohse, Bernhard. 1986. *Martin Luther: An Introduction to His Life and Work,* trans. Robert C. Schulz (Philadelphia: Fortress Press, 1986).

Loserth, Johann. 1884. *Wiclif and Hus,* trans. M. J. Edwards (London: Hodder and Stoughton, 1884).

Lovejoy, Arthur O. 1936. *The Great Chain of Being: A Study of the History of an Idea* (Cambridge: Harvard University Press, 1936).

Lovejoy, Arthur O., and George Boas. 1935. *Primitivism and Related Ideas in Antiquity* (Baltimore: Johns Hopkins University Press, 1935).

Lubac, Henri de. 1944. *Corpus Mysticum: L'Eucharistie et l'église au Moyen Age* (Paris: Aubier, 1944).

Luther, Martin: See *WA, WA.DB,* and *LW*.

LW = Luthers Works, ed. and trans. J. Pelikan et al., 1955–86. 54 vols. (St. Louis: Concordia Publishing House, 1955–86).

Machiavelli, Niccolò. 1960. *Il Principe e Discorsi sopra la prima deca di Tito Livio,* ed. Sergio Bertelli (Milan: Feltrinelli, 1960).

———. 1999, *Opere,* ed. Rinaldo Rinaldi, 3 vols. (Turin: Unione Tipografico Editrice Torinese, 1999).

MacPherson, C. B. 1968. *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1968).

Madicott, John. 2010. *The Origins of the English Parliament, 924–1327* (Oxford: Oxford University Press, 2010).

Maiolo, Francesco. 2007. *Medieval Sovereignty: Marsilus of Padua and Bartolus of Saxoferrato* (Delft: Eburon Academic Publishers, 2007).

Major (Mair), John. 1892. *A History of Greater Britain, as Well England as Scotland compiled from the Ancient Authorities by John Major,* ed. and trans. A. Constable (Edinburgh: University Press, 1892).

Malament, Barbara C., ed. 1980. *After the Reformation: Essays in Honor of J. H. Hexter* (Philadelphia: University of Pennsylvania Press, 1980).

Mann, Nicholas. 1996. "The Origins of Humanism," in Kraye, ed. (1996), 1–19.

Manschreck, C. L. 1958. *Melanchthon: The Quiet Reformer* (New York: Abingdon Press, 1958).

———, ed. and trans. 1965. *Melanchthon on Christian Doctrine: Loci communes, 1555* (Oxford: Oxford University Press, 1965).

Mansfield, Harvey C. 2000. "Bruni and Machiavelli on Civic humanism," in Hankins, ed., 2000, 223–46.

Mansi, J. 1724–1937. *Sacrorum conciliorum nova et applissima collectio,* 33 vols. (Leipzig, 1739–1927; Florence, 1724–1937).

Maret, Henri. 1869. *Du concile général et de la paix religieuse,* 2 vols. (Paris: Henri Plom, 1869).

Marius, Richard. 1984. *Thomas More: A Biography* (London: Dent, 1984).

Marrou, H. J. 1956. *A History of Education in Antiquity,* trans. George Lamb (New York: Sheed and Ward, 1956).

Marsiglio of Padua. 1928. *Defensor pacis,* ed. C. W. Previté-Orton (Cambridge: Cambridge University Press, 1928).

Martelli, Mario, ed. 1971. Niccolò Machiavelli, *Tutte le opere* (Florence: Sansoni, 1971).

Martène, E., and V. Durand, eds. 1724–33. *Veterum Scriptorum et Monumentorum . . . amplissima collectio,* 9 vols. (Paris, 1724–33).

Martimort, Aimé-Georges. 1953. *Le Gallicanisme de Bossuet* (Paris: Éditions du Cerf, 1953).

Mason, Roger A. 1982. "*Rex Stoicus:* George Buchanan, James VI and the Scottish Polity," in John Dwyer, Roger A. Mason, and Alexander Murdoch, eds., *New Perspectives on the Politics and Culture of Early Modern Scotland* (Edinburgh: 1982), 9–33.

———, ed. 1994. John Knox, *On Rebellion* (Cambridge: Cambridge University Press, 1994).

Mason, Roger A., and Martin S. Smith, eds. and trans. 2004. *A Dialogue on the Law of Kingship among the Scots: A Critical Edition and Translation of George Buchanan's De Jure Regni apud Scotos Dialogus* (Aldershot: Ashgate, 2004).

Mattingly, Garrett. 1958. "Machiavelli's *Prince:* Political Science or Political Satire?" *American Scholar* 27 (1958): 482–91.

Maxwell, John. 1646. *Sacro-sancta Regum Majestas: or, The Sacred and Royal Prerogatives of Christian Kings* (Oxford, 1646).

Mayer, Thomas F. 1989. *Thomas Starkey and the Commonweal: Humanist Politics and Religion in the Reign of Henry VIII* (Cambridge: Cambridge University Press, 1989).

McFarlane, I. D. 1981. *Buchanan* (London: Gerald Duckworth, 1981).

McFarlane, K. B. 1952. *John Wycliffe and the Beginnings of English Nonconformity* (London: English Universities Press, 1952).

McGrade, Arthur S. 1974. *The Political Thought of William of Ockham: Personal and Institutional Principles* (Cambridge: Cambridge University Press, 1974).

———. 1980. "Ockham and the Birth of Individual Rights," in Tierney and Linehan, eds., 1980,

———, ed. 1997. *Richard Hooker and the Construction of Christian Community* (Tempe, Ariz.: Medieval and Renaissance Texts and Studies, 1997).

———. 1999. "Natural Law and Moral Omnipotence," in Spade, ed. (1999), 273–301.

McGrade, A. S., and John Kilcullen, eds. and trans. 1992. *A Short Discourse on Tyrannical Government* by William of Ockham (Cambridge: Cambridge University Press, 1992).

———, eds. and trans. 1995. *A Letter to the Friars Minor and Other*

Writings, by William of Ockham (Cambridge: Cambridge University Press, 1995).

McGrade, A. S., John Kilcullen, and Matthew W. Kempshall, eds. 2001. *The Cambridge Translations of Medieval Philosophical Texts 2: Ethics and Political Philosophy* (Cambridge: Cambridge University Press, 2001).

McGuire, Brian P. 2005. *Jean Gerson: Last Medieval Reformation* (University Park: Pennsylvania State University Press, 2005).

McIlwain, Charles H., ed. 1918. *The Political Works of James I* (Cambridge: Harvard University Press, 1918).

———. 1932. *The Growth of Political Thought in the West* (New York: MacMillan, 1932).

———. 1958. *Constitutionalism: Ancient and Modern,* rev. ed. (Ithaca: Cornell University Press, 1958).

McNeill, J. T., ed. 1961. *Institutes of the Christian Religion,* trans. F. L. Battles, 2 vols. (Philadelphia: Westminster Press, 1961).

Medioevo. 5 (1979) and 6 (1980).

Melanchthon, Philipp. 1965. *Melanchthon on Christian Doctrine: Loci communes, 1555,* ed. C. L. Manschreck (Oxford: Oxford University Press, 1965).

———. 1961–75. *Melanchthons Werke in Auswahl,* ed. R. Stupperich, 7 vols. in 9 (Gütersloh: C. Bertelmanns Verlag, 1961–75).

Merrick, Jeffrey W. 1990. *Desacralization of the French Monarchy in the Eighteenth Century* (Baton Rouge: Louisiana State University Press, 1990).

Mesnard, Pierre. 1936. *L'Essor de la philosophie politique au xvie siècle* (Paris: Ancienne Librairie Furne, Boivin, 1936).

Mey, Claude, et al. 1775. *Maximes de droit public François, tirées des capitulaires, des ordonnances du royaume, et les autres monuments de l'histoire de France,* 2nd ed., 2 vols. (Amsterdam, 1775).

Mierow, Charles Christopher, trans. 1953. Otto of Freising, *Deeds of Frederick Barbarossa* (New York: Columbia University Press, 1953).

Miethke, Jürgen. 1969. *Ockhams Weg zur Sozialphilosophie* (Berlin: De Gruyter, 1969).

———. 1980. "Marsilius und Ockham, Publikum und Leser ihrer politischen Schriften in späteren Mittelalter," in *Medioevo* 6 (1980): 543–67.

———. 1992. *Das Publikum politische Theorie in 14. Jahrhundert* (Munich: R. Oldenbourg Verlag, 1992).

Mill, John Stuart. 1985. *On Liberty,* ed. Gertrude Himmelfarb (London: Penguin Classics, 1985).

Miller, Edward W. 1917. *Wessel Gansfort: Life and Writings,* 2 vols. (New York: G. P. Putnam's Sons, 1917).

Miller, John, ed. 1990. *Absolutism in Seventeenth-Century Europe* (New York: St. Martin's Press, 1990).

Milton, John. 1953–82. *Complete Prose Works,* ed. D. M. Wolfe, 8 vols. (New Haven: Yale University Press, 1953–82.)

Ministerii, Blasius. 1953. *De vita et operibus Augustini de Ancona* (Rome: Analecta Augustiniana, 1953).

Minogue, Kenneth. 1979. "The History of the Idea of Human Rights," in Walter Laqueur and Barry Rubin, eds., *The Human Rights Reader* (Philadelphia: Temple University Press, 1979), 3–16.

Miskimin, Harry A. 1969. *The Economy of Early Renaissance Europe* (Englewood Cliffs, N.J.: Prentice-Hall, 1969).

Moeller, Bernd. 1965. "Frömmigkeit in Deutschland um 1500," *Archiv für Reformationsgeschichte* 56 (1965): 3–31.

———. 1966. *Spätmittelalter,* vol. 2, installment H (pt. 1) of *Die Kirche in ihrer Geschichte,* ed. Kurt Schmidt and Ernest Wolf (Göttingen, 1966).

———. 1972. *Imperial Cities and the Reformation,* ed. and trans. H. C. E. Midelfort and M. V. Edwards (Philadelphia: Fortress Press, 1972).

Molho, A., and A. Tedeschi, eds. 1971. *Renaissance Studies in Honor of Hans Baron* (De Kalb: Northern Illinois University Press, 1971).

Monahan, Arthur P. 1987. *Consent, Coercion, and Limit: The Medieval Origin of Parliamentary Democracy* (Kingston and Montreal: McGill–Queen's University Press, 1987).

———. 1994. *From Personal Duties towards Personal Rights: Late Medieval and Early Modern Political Thought, 1300–1600* (Kingston and Montreal: McGill–Queen's University Press, 1994).

Monod, Paul Kleber. 1999. *The Power of Kings: Monarchy and Religion in France, 1580–1715* (New Haven: Yale University Press, 1999).

Moore, R. I. 2000. *The First European Revolution, c. 970–1215* (Oxford: Blackwell, 2000).

Moorman, J. A. 1968. *A History of the Franciscan Order from Its Origins to the Year 1517* (Oxford: Clarendon Press, 1968).

More, Thomas. 1965. *The Complete Works of St. Thomas More,* ed. Richard S. Sylvester, 7 vols. (New Haven: Yale University Press, 1965).

Moreno-Riaño, Gerson, ed. 2006. *The World of Marsilius of Padua* (Turnhout-Brepols, 2006).

Moreno-Riaño, Gerson, and C. J. Nederman, eds. 2012. *Companion to Marsilius of Padua* (Leiden: Brill, 2012).

Morgan, Arthur A. 1946. *Nowhere Was Somewhere* (Chapel Hill: University of North Carolina Press, 1946).

Morison, Richard. 1539. *An Exhortation to Styrre All Englysh Men to the Defence of Theyr Countreye* (London, 1539).

Morrall, John B. 1949. "Some Notes on a Recent Interpretation of Ockham's Political Philosophy," *Franciscan Studies* 9 (1949): 335–69.

———. 1960. *Gerson and the Great Schism* (Manchester: Manchester University Press, 1960).

———. 1962. *Political Thought in Medieval Times* (New York: Harper and Row, 1962).

Morris, Christopher. 1967. *Western Political Thought: I Plato to Augustine* (New York: Basic Books, 1967).

Morris, Colin. 1972. *The Discovery of the Individual, 1050–1200* (New York: Harper and Row, 1972).

Morton, A. L. 1970. *The World of the Ranters* (London: Lawrence and Wishart, 1970). Mozley, J. F. 1937. *William Tyndale* (London: Macmillan, 1937).

Muldoon, James. 1999. *Empire and Order: The Concept of Empire, 800–1800* (Farnham: Ashgate, 1999).

Müntzer, Thomas. 1950. *Auslegung des zweiten Kapitels Daniels* ("Die Fürstenpredigt": 1524), ed. C. Hinrichs (Halle: Niemayer, 1950).

———. 1957. *Sermon before the Princes,* in Williams, ed. (1957),

Murray, R. H. 1930. *The History of Political Science,* 2nd ed. (New York: Appleton., 1930).

Musto, Ronald G. 2003. *Apocalypse in Rome: Cola di Rienzo and the Politics of the New Age* (Berkeley and Los Angeles: California University Press, 2003).

Najemy, John M. 1996. With Ronald Witt, Craig Kallendorf, and Werner Gundersheimer, *AHR Forum: Hans Baron's Renaissance Humanism, American Historical Review* 101 (1996): 107–41.

———. 2000. "Civic Humanism and Florentine Politics," in Hankins, ed. (2000), 75–104.

———, ed. 2010. *The Cambridge Companion to Machiavelli* (Cambridge: Cambridge University Press, 2010).

Neale, J. E. 1959. (1943), *The Age of Catherine de Medici* (New York:

AMS Press, 1959).

Nederman, Cary J. 1990. “Conciliarism and Constitutionalism: Jean Gerson and European Political Thought,” *History of European Ideas* 12 (1990): 189–209.

———, ed. 1993. Marsiglio of Padua, *Writings on Empire: Defensor Minor and De transatione Imperii* (Cambridge: Cambridge University Press, 1993).

———. 1995. *Community and Consent: The Secular Political Theory of Marsiglio of Padua’s Defensor pacis* (Lanham, Md.: Rowman and Littlefield, 1995).

———. 1996. “Constitutionalism–Medieval and Modern: Against Neo-Figgisite Orthodoxy (Again),” *History of Political Thought* 17 (1996): 179–94.

———. 2009. *Lineages of European Political Thought: Explorations along the Medieval/Modern Divide from John of Salisbury to Hegel* (Washington, D.C.: Catholic University of America Press, 2009).

Nicholas of Clamanges. 1613. *Opera Omnia* (Lugdunum Batavorum, 1613).

Nicholas of Cusa. 1932–68. *De concordantia catholica libri tres,* ed. Geshard Kallen, vol. 14 of Nicholas of Cusa, *Opera Omnia,* 23 vols. (Leipzig: Heidelberger Akadamie der Wissenschaften, 1932–68).

———. 1991. *The Catholic Concordance of Nicholas of Cusa,* trans. Paul Sigmund (Cambridge: Cambridge University Press, 1991).

Nicole Oresme. 1970. *Le Livre de Politiques d’Aristote,* ed. Albert Douglas Menut, Transactions of the American Philosophical Society, n.s. 60, pt. 6 (Philadelphia, 1970).

Nörr, Knut W. 1964. *Kirche und Konzil bei Nicolaus de Tudeschis* (Cologne and Graz: Böhlau, 1964).

Novikoff, Alex. 2005–6. “Henry VII and the Universal Empire of Englebert of Admont and Dante Alighieri,” *Pensiero Politico Medievale,* 3–4 (2005–6): 143–65.

Oakley, Francis. 1960. “The *Propositiones Utiles* of Pierre d’Ally: An Epitome of Conciliar Theory,” *Church History* 29 (1960): 399–403.

———. 1962. “On the Road from Constance to 1688: The Political Thought of John Major and George Buchanan,” *Journal of British Studies* 1 (1962): 1–31.

———. 1964a. *The Political Thought of Pierre d’Ailly: The Voluntarist Tradition* (New Haven: Yale University Press, 1964).

———. 1964b. “Pierre d’Ailly and Papal Infallibility,” *Mediaeval Studies* 26 (1964): 353–58.

———. 1965. “Almain and Major: Conciliar Theory on the Eve of the Reformation,” *American Historical Review* 70 (1965): 673–90.

———. 1968. “Jacobean Political Theology: The Absolute and Ordinary Powers of the King,” *Journal of the History of Ideas* 29 (1968): 323–46.

———. 1969. “Figgis, Constance, and the Divines of Paris,” *American Historical Review* 75 (1969): 368–86.

———. 1972a. “Conciliarism at the Fifth Lateran Council,” *Church History* 41 (1972): 452–63.

———. 1972b. “The ‘Hidden’ and ‘Revealed’ Wills of James I: More Political Theology,” *Studia Gratiana* 15 (1972): 363–75.

———. 1973. “Celestial Hierarchies Revisited: Walter Ullmann’s Vision of Medieval Politics,” *Past and Present* 60 (1973): 3–48.

———. 1974. *The Medieval Experience: Foundations of Western Cultural Singularity* (New York: Charles Scribner’s Sons, 1974).

———. 1977. “Conciliarism in the Sixteenth Century: Jacques Almain Again,” *Archiv für Reformationsgeschichte* 68 (1977): 111–32.

———. 1979. *The Western Church in the Later Middle Ages* (Ithaca: Cornell University Press, 1979).

———. 1981. “Natural Law, the *Corpus Mysticum,* and Consent: Conciliar Thought from John of Paris to Matthias Ugonius,” *Speculum* 56 (1981): 780–810.

———. 1983. “Legitimation by Consent: The Medieval Roots,” *Viator* 14 (1983): 303–35.

———. 1984. *Omnipotence, Covenant and Order: An Excursion in the History of Ideas from Abelard to Leibniz* (Ithaca: Cornell University Press, 1984).

———. 1987. “Edward Foxe, Matthew Paris, and the Royal *potestas ordinis,*” *Sixteenth Century Journal* 18 (1987): 347–53.

———. 1988. “Disobedience, Consent, Political Obligation: The Witness of Wessel Gansfort,” *History of Political Thought* 9 (1988): 211–21.

———. 1991. “Christian Obedience and Authority, 1520–1550,” in Burns and Goldie, eds. (1991), 159–92.

———. 1992. *Community of Learning: The American College and the Liberal Arts Tradition* (New York: Oxford University Press, 1992).

———. 1994. “Constance, Basel, and the Two Pisas: The Conciliarist Legacy in Sixteenth and Seventeenth-Century England.” *Annuarium Historiae Conciliorum* 26 (1994): 87–118.

———. 1995. “Nederman, Gerson, Conciliar Theory and

Constitutionalism," *History of Political Thought* 16 (1995): 1–19.

———. 1996a. "Anxieties of Influence: Skinner, Figgis, Conciliarism and Early Modern Constitutionalism," *Past and Present* 151 (1996): 60–110.

———. 1996b. "Complexities of Context: Gerson, Bellarmine, Richer and the Venetian Interdict of 1606–1607," *Catholic Historical Review* 82 (1996): 369–96.

———. 1996c. "*Verius est licet difficilius:* Tierney's *Foundations of Conciliar Theory* after Forty Years," in *Nicholas of Cusa on Christ and the Church,* ed. G. Christianson and T. M. Izbicki (Leiden: Brill, 1996), 15–34.

———. 1997. "Locke, Natural Law, and God–Again," *History of Political Thought* 17 (1997): 624–51.

———. 1998a. "The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology," *Journal of the History of Ideas* 59 (1998): 437–61.

———. 1998b. "The Absolute and Ordained Power of God and King in Sixteenth- and Seventeenth-Century Philosophy, Science and Law, *Journal of the History of Ideas* 59 (1998): 669–90.

———. 1999. *Politics and Eternity: Studies in the History of Medieval and Early-Modern Political Thought* (Leiden: Brill, 1999).

———. 2000. "Conciliarism in England. St. German, Starkey and the Marsilian Myth," in T. M. Izbicki and C. M. Bellitto, eds., *Reform and Renewal in the Middle Ages and Renaissance* (Leiden: Brill, 2000), 224–39.

———. 2002. *Omnipotence and Promise: The Legacy of the Scholastic Distinction of Power* (Toronto: Pontifical Institute of Mediaeval Studies, 2002).

———. 2003. *The Conciliarist Tradition: Constitutionalism in the Catholic Church, 1300–1870* (Oxford: Oxford University Press, 2003).

———. 2005. *Natural Law, Laws of Nature, Natural Rights: Continuity and Discontinuity in the History of Ideas* (New York: Continuum, 2005).

———. 2006a. *Kingship: The Politics of Enchantment* (Oxford: Blackwell, 2006).

———. 2006b. "In Praise of Prolepsis: Meaning, Significance, and the Medieval Contribution to Political Thought," *History of Political Thought* 27 (2006): 407–22.

———. 2006c. "Gerson as Conciliarist," in *A Companion to Gerson,* ed. Brian Patrick McGuire (Leiden: Brill, 2006), 179–204.

———. 2010. *Empty Bottles of Gentilism: Kingship and the Divine in Late Antiquity and the Early Middle Ages (to 1050)* (New Haven: Yale University Press, 2010).

———. 2012. *The Mortgage of the Past: Reshaping the Ancient Political Inheritance (1050–1300*) (New Haven: Yale University Press, 2012).

———. 2013. "The Paradox of Holy Matter in the Later Middle Ages," *Harvard Theological Review* 106 (2013): 217–26.

Oberman, Heiko A. 1989. *Luther: Man between God and the Devil* (New Haven: Yale University Press, 1989).

Ockham, William of. 1611–13. *Dialogus,* in Goldast, ed. (1611–13), vol. 2.

———. 1940–97. *Breviloquium de principatu tyrannico,* in Offler et al., eds. (1940–97), vol. 4.

———. 1940–97. *Octo quaestiones de potestate papae,* in Offler et al., eds. (1940–57), vol. 1.

O'Connor, Daniel, and Francis Oakley, eds. 1969. *Creation: The Impact of an Idea* (New York: Scribner's Sons, 1969).

Offler, H. S. 1956. "Empire and Papacy: The Last Struggle," *Transactions of the Royal Historical Society,* ser. 5, 6 (1956): 21–47.

———. 1977. "The Three Modes of Natural Law in Ockham: A Revision of the Text," *Franciscan Studies* 37 (1977): 207–18.

Offler, H. S., et al., eds. 1940–97. *Guilielmi de Ockham, Opera Politica,* 4 vols. (Manchester: Manchester University Press, 1940–97).

Ogilvie, Margaret H. 1975. "Wessel Gansfort's Theology of Church Government," *Nederlands Archief voor Kierksgeschiedenis* 55 (1975): 725–50.

Otto of Freising. 1867. *Opera,* ed. R. Wilmans, 2 vols. (Hannover: Hohnsche Buchhandlung, 1867).

———. 1953. *Deeds of Frederick Barbarossa,* trans. Charles Christopher Mierow (New York: Columbia University Press, 1953).

Overfield, James. 1984. *Humanism and Scholasticism in Late Medieval Germany* (Princeton: Princeton University Press, 1984).

Owen, David. 1610. *Herod and Pilate Reconciled* (London, 1610).

Oxford Encyclopaedia of the Reformation, The. 1996. Ed. Hans Hillerbrand, 4 vols. (Oxford: Oxford University Press, 1996).

Pagden, Anthony, ed. 1987. *The Languages of Political Theory in Early-Modern Europe* (Cambridge: Cambridge University Press, 1987).

———. 1995. *Lords of the World: Ideologies of Empire in Spain, Britain and France, c. 1500–1850* (New Haven: Yale University Press,

1995).

Pascoe, Louis B. 1973. *Jean Gerson's Principles of Church Reform* (Leiden: Brill, 1973).

———. 1979. "Theological Dimensions of Pierre d'Ailly's Teaching on the Papal Plenitude of Power," *Annuarium Historiae Conciliorum* 11 (1979): 357–66.

Pateman, Carole. 1979. *The Problem of Political Obligation: A Critical Analysis of Liberal Theory* (New York: Wiley, 1979).

Pauck, W., ed. 1959. *Melanchthon and Bucer* (London: SCM Press, 1959).

Pennington, Kenneth. 1984. *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia: University of Pennsylvania Press, 1984).

———. 1993. *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley and Los Angeles: University of California Press, 1993).

———. 2004a. "Was Baldus on Absolutist: The Evidence of His Consilia," in Kaufhold, ed. (2004), 305–19.

———. 2004b. "Representation in Medieval Canon Law," *The Jurist* 64 (2004): 361–83.

———. 2011a. "Rights," in George Klosko ed., *The Oxford Handbook of the History of Political Philosophy* (Oxford: Oxford University Press, 2011), 530–43.

———. 2011b. "*Lex naturalis* and *Jus naturale,*" in Spencer E. Young, ed. (Leiden: Brill, 2011), 227–53.

Pérez, Juan Beynoto. 1964. *Historia de las doctrinas politicas,* 4th ed. (Madrid: M. Aguilar, 1964).

Perrier, R. P. Joannes, ed. 1949. Thomas Aquinas, *Opuscula Omnia necnon Opera Minora,* Tomus Primus of the *Opuscula philosophica* (Paris: P. Lettielleux, 1949).

Peters, Edward. 1970. *The Shadow King. Rex Inutilis in Medieval Law and Literature, 751–1327* (New Haven: Yale University Press, 1970).

Petri, Olaus. 1914–17. *Krönungspredikan,* in Hesslman, ed. (1914–17), vol. 1.

———. 1914–17. *Svenska Kronik,* in Hesslman, ed. (1914–17), vol. 4.

Piaia, G. 2004. "The Shadow of Autenor: On the Relationship between the *Defensor Pacis* and the Institutions of the City of Milan," in Kaufhold, ed. (2004), 193–204.

Pighius, Albertus. 1551. *Hierarchiae ecclesiasticae assertio* (Cologne:

Johannes Novesianus, 1551).

Pincin, Carlo. 1967. *Marsilio* (Turin: Giappichelli, 1967).

Pinette, G. L. 1959. "Freedom in Huguenot Doctrine," *Archiv für Reformationsgeschichte* 50 (1959): 200–34.

Plamenatz, John P. 1963. *Men and Society, Political and Social Theory,* 2 vols. (New York: McGraw-Hill, 1963).

Plummer, Charles, ed. 1885. *The Governance of England: Otherwise Called the Difference between an Absolute and a Limited Monarchy,* by Sir John Fortescue (Oxford: Clarendon Press, 1885).

Pocock, J. G. A. 1957. *The Ancient Constitution and the Feudal Law* (Cambridge: Cambridge University Press, 1957).

———. 1975. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975).

———. 1987. "The Concept of Language and the *métier d'historien:* Some Considerations on Practice," in Pagden, ed. (1987), 19–38.

———. 2010. "Machiavelli and Rome: The Republic as Ideal and History," in Najemy, ed. (2010), 144–56.

Pole, Reginald Cardinal. 1558. *Pro ecclesiasticae unitatis defensione, libri quatuor* (Rome, 1558).

Pollard, A. W., and C. Saye, eds. 1887. Wycliffe, *Tractatus de officio regis* (London: Wyclif Society, 1887).

Pollet, V. J. M., ed. 1936. *Thomas de Vio, Cardinal Cajetan, De comparatione auctoritatis papae et concilii cum Apologia ejusdem tractatus* (Rome: Angelicum, 1936).

Pollock, F., and F. W. Maitland. 1911. *The History of English Law before the Time of Edward I,* 2nd ed., 2 vols. (Cambridge: Cambridge University Press, 1911).

Ponet, John. 1556. *A Shorte Treatise of Politicke Power,* in Hudson (1942), facsimile edition. Poole, R. L., ed. 1890. John Wycliffe, *Latin Works: De dominio divino libri tres* (London: Wycliffe Society, 1890).

Posch, A. 1920. *Die staats—und kirchenpolitische Tätigkeit Engleberts von Admont* (Paderborn: F. Schöningh, 1920).

Post, R. R. 1968. *The Modern Devotion: Confrontation with Reformation and Humanism* (Leiden: Brill, 1968).

Posthumus Meyjes, G. H. M. 1999. *John Gerson—Apostle of Unity: His Church Politics and Ecclesiology,* trans. J. C. Grayson (Leiden: Brill, 1999).

Previté-Orton, C. W., ed. 1928. Marilius of Padua, *Defensor Pacis*

(Cambridge: Cambridge University Press, 1928).

Prynne, William. 1643. *The Soveraigne Power of Parliaments and Kingdoms* (London, 1643).

Ptolemy of Lucca. 1949. *De regimine principum,* in Perrier, ed. (1949), 1: app. 1, 269–426.

Quaglioni, D. 1983. *Politica e diritto nel trecento italiano* (Florence: Leo S. Olschki, 1983).

Quillet, Jacqueline. 1970. *La philosophie politique de Marsile de Padoue* (Paris: J. Vrin, 1970).

———. 1976. "Brèves remarques sur les Questiones super Metaphysicas, Libros I–VI (Codex fesulano 161, fol. 1 ra–41 va) et leurs relations avec l'aristotélisme hétérodo xe," in *Die Auseinandersetzungen an der Pariser Universität im XIII Jahrhundert,* ed. A. Zimmermann, Miscellanea Medievalia, 10 (Berlin, 1976), 361–85.

———. 1988. "Community, Counsel and Representation," in Burns, ed., *The Cambridge History of Medieval Political Thought* (1988), 520–72.

"Quirinus" (Ignaz von Döllinger). 1870. *Letters from Rome on the Council.* Authorized translation of the text printed from the *Allegemeine Zeitung,* 2 vols. (London: Rivington's, 1870).

Rahe, Paul A. 2000. "Situating Machiavelli," in Hankins, ed. (2000), 270–308.

Reave, Michael D. 1996. "Classical Scholarship," in Kraye, ed. (1996), 30–41.

Reeves, Marjorie. 1965. "Marsiglio of Padua and Dante Alighieri," in Smalley et al. (1965), 86–104.

Renaudet, Augustin. 1953. *Préréforme et hummisme à Paris pendant les premières guerres d'Italie, 1494–1517,* 2nd ed. (Paris: E. Champion, 1953).

———. 1956. Review of Hans Baron, *Crisis of the Early Italian Renaissance,* in *Bibliothèque d'Humanisme et Renaissance* 18 (1956): 322–25.

Riccardi, A. 1976. *Neogallicanismo e catholicismo burghese: Henri Maret e il Concilio Vaticano I* (Bologna: Il Malino, 1976).

Ricci, P. G., ed. 1965. *Dante Alighieri Monarchia* (Milan: Società Dantesca Italiano, 1965).

Ridolfi, Roberto. 1978. *Vita di Niccolò Machiavelli,* 7th ed. (Florence: Sansoni, 1978).

Riley, Patrick. 1973. "How Coherent Is the Social Contract Tradition?"

Journal of the History of Ideas 34 (1973): 543–62.

———. 1982. *Will and Political Legitimation: A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant and Hegel* (Cambridge: Harvard University Press, 1982).

Rinaldi, Rinaldo, ed. 1999. Niccolò Machiavelli, *Opere,* 3 vols. (Turin, Unione Typografico Editrice Torinese, 1999).

Robe, D. 1973. "Pier Paolo Vergerio the Elder: Republicanism and Civic Values in the Work of an Early Humanist," *Past and Present* 58 (1973): 3–37.

Roberts, A. E. 1935. "Pierre d'Ailly and the Council of Constance: A Study in 'Ockamite' Theory and Practice," *Transactions of the Royal Historical Society,* 4th ser., 18 (1935), 123–42.

Robertson, D. B. 1951. *The Religious Foundations of Leveller Democracy* (New York: King's Green Press, 1951).

Robinson, Jonathan. 2013. *William of Ockham's Early Theory of Property Rights in Context* (Leiden: Brill, 2013).

Robson, J. A. 1966. *Wyclif and the Oxford Schools* (Cambridge: Cambridge University Press, 1966).

Rocaberti, J. T. de. 1698–99. *Bibliotheca maxima pontificia,* 21 vols. (Rome: F. Buagni, 1698–99).

Roselli, Antonio de. 1611–13. *Monarchia, sive Tractatus de potestate imperatoris et Papae,* in Goldast, ed. (1611–13), 1: 252–556.

Round, Nicholas, 1986. *The Greatest Man Uncrowned: A Study of the Fall of Don Alvaro de Luna* (London: Tamesis Books, 1986).

Rubenstein, Nicolai. 1965. "Marsilius of Padua and Italian Political Thought of His Time," in J. R. Hale et al., *Europe in the Later Middle Ages* (Evanston, Ill.: Northwestern University Press, 1965), 44–75.

———, ed. 1968. *Florentine Studies* (London: Faber, 1968).

———. 1982. "Political Theories in the Renaissance," in A. Chastel, ed., *The Renaissance: Essays in Interpretation* (London: Methuen, 1982), 153–200.

———. 1991. "Italian Political Thought, 1450–1530," in Burns and Goldie, eds. (1991), 30–65.

Rueger, Zofia. 1964. "Gerson, the Conciliar Movement and the Right of Resistance, 1642–1644," *Journal of the History of Ideas* 25 (1964): 467–80.

Rupp, E. G., ed. and trans. 1969. Desiderius Erasmus, *On Free Choice of the Will / De libero arbitrio, in Luther and Erasmus: Free Will and Salvation* (London: Westminster Press, 1969).

Russell, Conrad. 1993. “Divine Right in the Early Seventeenth Century,” in *Public Duty and Private Conscience in Seventeenth-Century England,* ed. John Morrill et al. (Oxford: Clarendon Press, 1993), 101–20.

Ryan, Christopher, trans. 1989. *Dante’s The Banquet* (Saratoga, Calif.: ANMA Libri, 1989).

Sabine, George. 1937. *A History of Political Thought* (New York: Henry Holt, 1937).

Said, Edward W. 1975. *Beginnings: Intention and Method* (New York: Columbia University Press, 1975).

Salembier, Louis. 1931. *Le Cardinal Pierre d’Ailly* (Tourcoing: Imprimerie G. Frère, 1931). Salkever, Stephen G. 1974. “Virtue, Obligation and Politics,” *American Political Science Review* 68 (1974): 78–92.

Salmon, H. J. M. 1959. *The French Religious Wars in English Political Thought* (Oxford: Oxford University Press, 1959).

———. 1987. *Renaissance and Revolt: Essays in the Intellectual and Social History of Early Modern France* (Cambridge: Cambridge University Press, 1987).

———. 1991. “Catholic Resistance Theory, Ultramontanism, and the Royalist Response, 1580–1620,” in Burns and Goldie, eds. (1991), 217–53.

Saravia, Hadrian. 1611. *De imperandi authoritate et Christiana obedientia* (London, 1611).

Saul, Nigel. 1997. *Richard II* (New Haven: Yale University Press, 1977).

Sawada, R. A. 1961. “Two Anonymous Tudor Treatises on the General Council,” *Journal of Ecclesiastical History* 12 (1961): 197–214.

———. 1965. “Das Imperium Heinrichs VIII, und die erste Phase seiner Konzilspolitik,” in E. Iserloh, ed., *Reformata Reformanda,* 2 vols. (Münster, Aschendorff, 1965).

Scarisbrick, J. J. 1963. *Henry VIII* (Berkeley and Los Angeles: University of California Press, 1963).

Schardius, Simon. 1566. *De jurisdictione, autoritate, et praeeminentia imperili, ac potestate ecclesiastica* (Basel, 1566).

Schatz, Klaus. 1970. “Papsttum und particular kirchliche Gewalt bei Innocent III, 1198–1216,” *Archivum Historiae Pontificiae* 8 (1970): 61–111.

———. 1996. *Papal Primacy from Its Origins to the Present,* trans. John A. Otto and Linda M. Maloney (Collegeville, Minn.: Liturgical

Press, 1996).

Scheible, Heinz. 1990. “Luther and Melanchthon,” *Lutheran Quarterly,* n.s. 4 (1990): 317–39.

Schmidlinger, H. 1978. “Romana Regia Potestas,” in *Staats und Reichsgedanken bei Engelbert von Admont und Enea Silvio Piccolomini* (Basel and Stuttgart: Helbing and Lichtenholm, 1978).

Schneider, Hans. 1976. *Das Konziliarismus als Problem der neueren Katholischen Theologie* (Berlin: De Gruyter, 1976).

Schochet, Gordon J. 1975. *Patriarchalism in Political Thought: The Authoritarian Family and Political Speculation and Attitudes Especially in Seventeenth-Century England* (Oxford: Basil Blackwell, 1975).

Scholz, Richard. 1903. *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII* (Stuttgart: Verlag von Ferdinand Enke, 1903).

———, ed. 1944. *Wilhelm von Ockham als politscher Denker und sein Breviloquium de principatu tyrannico* (Stuttgart: Hiersemann, 1944).

Schulte, J. F. von. 1875–80. *Die Geschichte der Quellen und Literatur des canonistisches Recht,* 3 vols. (Stuttgart: Ferdinand Enke, 1875–80).

Schwab, Johan Baptist. 1858. *Johannes Gerson Professor der Theologie und Kanzler der Universität. Paris: Eine Monographie* (Würzburg: Stahel, 1858).

Scott, Tom. 1989. *Thomas Müntzer: Theology and Revolution in the German Reformation* (New York: St. Martin’s Press, 1989).

Seigel, Jerrold E. 1966. “‘Civic Humanism’ or Ciceronian Rhetoric? The Culture of Petrarch and Bruni,” *Past and Present* 34 (1966): 3–48.

———. 1968. *Rhetoric and Philosophy in Renaissance Humanism: The Union of Eloquence and Wisdom, Petrarch to Valla* (Princeton: Princeton University Press, 1968).

Shaw, Prue, ed. and trans. 1995. Dante, *Monarchia* (Cambridge: Cambridge University Press, 1995).

Sherman, Claire Richter. 1969. *The Portraits of Charles V of France, 1338–1380* (New York: New York University Press, 1969).

Shogimen, Takashi. 2006. “Wyclif’s Ecclesiology and Political Thought,” in Levy, ed. (2006), 199–240.

———. 2007. *Ockham and Political Discourse in the Late Middle Ages* (Cambridge: Cambridge University Press, 2007).

———. 2012. “Medicine and the Body Politic in Marsilius of Padua’s *Defensor Pacis,*” in Moreno-Riaño and Nederman, eds. (2012), 71–115.

Sigmund, Paul E. 1962. “The Unacknowledged Influence of Marsilius of Padua on XVth-Century Conciliarism,” *Journal of the History of Ideas* 23 (1962): 391–401.

———. 1963. *Nicholas of Cusa and Medieval Political Thought* (Princeton: Princeton University Press, 1963).

———. 1971. *Natural Law and Political Thought* (Cambridge, Mass.: Winthrop Publishers, 1971).

———, trans. 1991. Nicholas of Cusa, *The Catholic Concordance* (Cambridge: Cambridge University Press, 1991).

Simonelli, Maria, ed. 1966. *Il Convivio* (Bologna: Pàtron, 1966).

Singleton, C. S. 1965. “The Poet’s Number at the Centre,” *Modern Language Notes* 80 (1965): 1–10.

Skinner, Quentin. 1969. “Meaning and Understanding in the History of Ideas,” *History and Theory* 8 (1969): 3–53.

———. 1978. *Foundations of Modern Political Thought,* 2 vols. (Cambridge: Cambridge University Press, 1978).

———. 1980. “The Origins of the Calvinist Theory of Revolution,” in Malament, ed. (1980), 309–30.

———. 1981. *Machiavelli* (Oxford: Oxford University Press, 1981).

———. 1988. “A Reply to My Critics,” in Tully, ed. (1988), 29–67.

Smalley, Beryl. 1941. *The Study of the Bible in the Middle Ages* (Oxford: Clarendon Press, 1941).

———, ed. 1965. *Trends in Medieval Political Thought* (Oxford: Blackwell, 1965).

Sommerville, Johan. 1982. “From Suarez to Filmer: A Reappraisal,” *Historical Journal* 25 (1982): 525–40.

———. 1986. *Politics and Ideology in England, 1603–1640* (London: Longman, 1986).

———. 1991. “Absolutism and Royalism,” in Burns and Goldie, eds. (1991), 347–73.

Spade, Paul Vincent, ed. 1999. *The Cambridge Companion to Ockham* (Cambridge: Cambridge University Press, 1999).

Spellman, W. M. 1998. *European Political Thought, 1600–1700* (New York: St. Martin’s Press, 1998).

Spinka, Matthew, ed. 1953. *Advocates of Reform: From Wyclif to Erasmus* (London: SCM Press, 1953).

———. 1966. *John Hus’s Concept of the Church* (Princeton: Princeton University Press, 1966).

———. 1968. *John Hus: A Biography* (Princeton: Princeton University

Press, 1968).

Stayer, J. M. 1973. *Anabaptists and the Sword* (Lawrence, Kan.: Coronado Press, 1973).

Stieber, Joachim W. 1978. *Pope Eugenius IV, the Council of Basel, and the Secular and Ecclesiastical Authorities in the Empire: The Conflict over Supreme Authority and Power in the Church* (Leiden: Brill, 1978).

Stürner, Wolfgang. 1987. *Peccatum und Potestas Die Sündenfall und die Entstehung der Herrscherlichen Gewalt im Mittelalterlichen Staatsdenken* (Sigmaringen: Jan Thorbeke Verlag, 1987).

Sudoris, Johannes. 1514. *Summa de Erroribus Armenorum* (Paris, 1514).

Sutcliffe, Matthew. 1600a. *De conciliis, et eorum authoritate, adversus Robertum Bellarminum* (London, 1600).

———. 1600b. *A New Challenge Made to N.D.* (London, 1600).

———. 1606. *The Subversion of Robert Parsons* (London, 1606).

Swanson, R. N. 1979. *Academics and the Great Schism* (Cambridge: Cambridge University Press, 1979).

Swanson, Scott. 1997. "The Medieval Foundations of John Locke's Theory of Natural Rights: Rights of Subsistence and the Principle of Extreme Necessity," *History of Political Thought* 18 (1997): 399–461.

Tanner, J. R., ed. 1951. *Tudor Historical Documents, AD 1485–1603* (Cambridge: Cambridge University Press, 1951).

Taverner, Richard. 1539. *The Second Booke of the Garden of Wysdome* (London, 1539).

Taylor, Charles. 2007. *A Secular Age* (Cambridge: Belknap Press, 2007).

Thomas, Keith. 1971. *Religion and the Decline of Magic* (London: Weidenfeld and Nicholson, 1971).

———. 1972. "The Levelers and the Franchise," in Aylmer, ed. (1975), 57–78.

Thomson, J. A. F. 1975. "Papalism and Conciliarism in Antonio Roselli's *Monarchia,*" *Mediaeval Studies* 30 (1975): 445–58.

Thysman, Raymond. 1957. "Le gallicanisme de Mgr. Maret et l'influence de Bossuet," *Revue d'Histoire Ecclésiastique* 52 (1957): 401–65.

Tierney, Brian. 1954. "Ockham, the Conciliar Theory, and the Canonists," *Journal of the History of Ideas* 15 (1954): 40–70.

———. 1955. *Foundations of the Conciliar Theory: The Contributions of*

the Medieval Canonists from Gratian to the Great Schism (Cambridge: Cambridge University Press, 1955), rev. ed., with discussion of the pertinent scholarly literature subsequent to the publication of the original in 1955 (Leiden: Brill, 1998).

———. 1962. "'Tria Quippe Distingunt Judicia': A Note on Innocent III's Decretal Per Venerabilem," *Speculum* 37 (1962): 48–53.

———. 1963. "Bracton on Government," *Speculum* 38 (1963): 295–317.

———. 1972. *Origins of Papal Infallibility, 1150–1300. A Study in the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages* (Leiden: Brill, 1972); rev. ed. with postscript (Leiden: Brill, 1988).

———. 1979. "'Divided sovereignty' at Constance," *Annuarium Historiae Conciliorum* 7 (1979): 238–56.

———. 1982. *Religion, Law, and the Growth of Constitutional Thought* (Cambridge: Cambridge University Press, 1982).

———. 1988. "Conciliarism, Corporatism and Individualism: The Doctrine of Individual Rights in Gerson," *Cristianesimo nella Storia* 9 (1988): 81–111.

———. 1997. *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law 1150–1625* (Atlanta, Ga.: Scholars Press, 1997).

———. 2002. "Natural Law and Natural Rights: Old Problems and Recent Approaches," with responses by John Finnis, Douglas Kries, and Michael P. Zuckert. *Review of Politics* 64 (2002): 389–420.

Tierney B., and P. Linehan, eds. 1980. *Authority and Power: Studies on Medieval Law and Government Presented to Walter Ullmann on His Seventieth Birthday* (Cambridge: Cambridge University Press, 1980).

Toynbee, Paget, ed. and trans. 1966. *Dante Alighieri Epistolae,* 2nd ed. (Oxford: Clarendon Press, 1966).

Trevelyan, G. M. 1900. *England in the Age of Wycliffe* (London: Longmans Green, 1900).

Trevor-Roper, H. R. 1965. "The General Crisis of the Seventeenth Century," in Aston, ed. (1965), 59–95.

———. 1966. *George Buchanan and the Ancient Scottish Constitution* (*English Historical Review,* Supplement 3, 1966).

Troeltsch, Ernst. 1960. *The Social Teaching of the Christian Church,* trans. Olive Wyon, 2 vols. (New York, 1960).

Tuck, Richard, 1979. *Natural Rights Theories: Their Origin and*

Development (Cambridge: Cambridge University Press, 1979).

———. 1991. "Grotius and Selden," in Burns and Goldie, eds. (1991), 499–529.

Tully, James, ed. 1988. *Meaning and Context: Quentin Skinner and His Critics* (Cambridge: Polity Press, 1988).

Tutino, Stefania. 2010. *Empire of Souls: Robert Bellarmine and the Christian Commonwealth* (New York: Oxford University Press, 2010).

Tyndale, William. 1573. *The Whole Workes of W. Tyndall, John Firth and Robt. Barnes. Collected and Completed in One Tome* (London, 1573).

———. 1848. *The Obedience of Christen Man, and How Christen Rulers Oughte to Governe,* ed. H. Walker (Cambridge: Cambridge University Press, 1848).

Ulianich, Boris, ed. 1961. Paolo Sarpi, *Lettere ai gallicani* (Wiesbaden: F. Steiner, 1961).

Ullmann, Walter. 1949. *Medieval Papalism: The Political Ideas of the Medieval Canonists* (London: Methuen, 1949).

———. 1955. *The Growth of Papal Government in the Middle Ages,* 2nd ed. (London: Methuen, 1955).

———. 1961. *Principles of Government and Politics in the Middle Ages* (London: Methuen, 1961).

———. 1962. Đe Bartoli Sententia: Concilium repraesentat mentem populi," in *Bartolo of Sassferrato: Studi e documenti* (1962), 1: 707–33.

———. 1965. *A History of Political Thought: The Middle Ages* (Baltimore: Penguin Books, 1965).

———. 1966. *The Individual and Society in the Middle Ages* (Baltimore: Johns Hopkins University Press, 1966).

———. 1969. *The Carolingian Renaissance and the Idea of Kingship* (London: Methuen, 1969).

———. 1975. *Law and Politics in the Middle Ages: An Introduction to the Sources of Medieval Political Ideas* (Ithaca: Cornell University Press, 1975).

Van Gelderen, Martin. 1992. *The Political Thought of the Dutch Revolt, 1555–1590* (Cambridge: Cambridge University Press, 1992).

Van Rhijn, Martin. 1917. *Wessel Gansfort* (s'Gravenhage: Nijhoff, 1917).

Veyne, Paul. 1978. *Comment on écrit l'histoire* (Paris: Éditions du Seuil, 1978).

Viroli, Maurizio. 2000. *Niccolò's Smile. A Biography of Machiavelli,* trans. Antony Shugaar (New York: Farrar, Strauss and Giroux, 2000).

Viti, Paolo, ed. 1990. *Leonardo Bruni Cancelliere della Repubblica di Firenze, Convegno di Studi,* Florence, October 27–29, 1987 (Florence: Olschki Editore, 1990).

———. 1992. *Leonardo Bruni e Firenze: Studi sulle lettere pubbliche e private* (Florence: Bulzoni, 1992).

WA = Martin Luthers Werke, 92 vols. in 105 (Weimar: H. Bohlau, 1906–61).

WA.DB = Martin Luthers Werke. Die deutsche Bibel (Weimar: H. Bohlau, 1955–76).

Waite, Gary K. 1989. "From Apocalyptic Crusaders to Anabaptist Terrorists: Anabaptist Radicalism after Münster, 1535–1545," *Archiv für Reformationsgeschichte,* 80 (1989): 173–93.

Waley, Daniel P. 1969. *The Italian City-Republics* (London: World University Library, 1969).

Walker, H., ed. 1848. *Doctrinal Treatises and Introductions to Different Portions of Holy Scripture by William Tyndale* (Cambridge: Cambridge University Press, 1848).

Walsh, James J. 1929. *The Thirteenth: Greatest of Centuries* (New York: Catholic Summer School Press, 1929).

Walsh, Katherine. 1981. *A Fourteenth-Century Scholar and Primate: Richard Fitzralph in Oxford, Avignon, and Armagh* (Oxford: Clarendon Press, 1981).

Walther, H. G. 1990. "Die Legitimität der Herrschaftsordnung bei Bartolus von Sassoferrato und Baldus de Ubaldis," in E. Mook and G. Wieland, eds., *Rechts-Staats-philosophie des Mittelalter* (Frankfurt-am-Main: Leter Lang, 1990), 115–39.

Walton, Robert. 1967. *Zwingli's Theocracy* (Toronto: University of Toronto Press, 1967).

Walzer, Michael. 1965. *The Revolution of the Saints* (Cambridge: Harvard University Press, 1965).

Watanabe, Morimichi. 1963. *The Political Ideas of Nicholas of Cusa, with Special Reference to His Concordantia Catholica* (Geneva: Librairie Droz, 1963).

———. 2001. *Concord and Reform. Nicholas of Cusa and Legal and Political Thought in the Fifteenth Century,* ed. T. M. Izbicki and G. Christianson (Aldershot: Ashgate/Variorum, 2001).

———. 2011. *Nicholas of Cusa: A Companion to His Life and Times,* ed.

G. Christianson and T. M. Izbicki (Farnham: Ashgate, 2011).

Watt, J. A., trans. 1971. John of Paris, *On Royal and Papal Power* (Toronto: Pontifical Institute of Mediaeval Studies, 1971).

Weigel, H. et al., eds. 1898–1939. *Deutsche Reichstagsakten.* Altere Reihe, 17 vols. (Munich: J. G. Cotta, 1898–1939).

Weinstein, Donald. 1970. *Savonarola and Florence: Prophecy and Patriotism in the Renaissance* (Princeton: Princeton University Press, 1970).

Weiss, Roberto. 1957. *Humanism in England during the Fifteenth Century,* 2nd ed. (Oxford: Blackwell, 1957).

Wenck, K. 1896. "Konrad von Gelnhausen und die Quellen der Konziliaren Theorie," *Historische Zeitschrift* 76 (1896): 6–61.

Wendel, François, ed. 1954–55. Martin Bucer, *De regno Christi,* 2 vols. (Paris: Presses Universitaires de France, 1954–55).

———. 1963. *Calvin: The Origins and Development of his Religious Thought,* trans. Philip Mairet (London and Glasgow: Collins, 1963).

Wenger, J. 1943. "The Schleitheim Confession of Faith," *Mennonite Quarterly Review* 19 (1943): 24–53.

Wilks, Michael. 1963. *The Problem of Sovereignty in the Later Middle Ages: The Papal Monarchy with Augustinus Triumphus and the Publicists* (Cambridge: Cambridge University Press, 1963).

———. 1972. "Corporatism and Representation in the *Defensor pacis,*" *Studia Gratiana* 15 (1972): 253–92.

Williams, G. H., ed. 1957. *Spiritual and Anabaptist Writers: Documents Illustrative of the Radical Reformation* (London: SCM Press, 1957).

———. 1992. *The Radical Reformation,* 2nd English ed. (Kirkville, Mo.: Sixteenth Century Journal Publishers, 1992).

Willson, David Harris. 1956. *King James VI and I* (New York: Holt, 1956).

Winkelmann, Edward, ed. 1885. *Acta Imperii Inedita saeculi XIII et XIV,* 2 vols. (Innsbruck: Universitätsverlag Wagner GmbH, 1885).

Witt, Ronald G. 1971. "The Rebirth of the Concept of Republican Liberty in Italy," in Molho and Tedeschi, eds. (1971), 173–99.

———. 1982. "Medieval *Ars Dictaminis* and the Beginnings of Humanism: A New Construction of the Problem," *Renaissance Quarterly* 35 (1982): 1–35.

Witt, Ronald, John M. Najemy, Craig Kallendorf, Werner Gundersheimer. 1996. *AHR Forum: Hans Baron's Renaissance Humanism, American Historical Review* 101 (1996): 107–41.

Wolfe, D. M., ed. 1953–82. *The Complete Prose Works of John Milton,* 8 vols. (New Haven: Yale University Press, 1953–82).

Wood, Diana, ed. 1991. *The Church and Sovereignty, c. 590–1918: Essays in Honour of Michael Wilks* (Oxford: Basil Blackwell, 1991).

Wood, James B. 1996. *The King's Army: Warfare, Soldiers, and Society during the Wars of Religion in France, 1562–76* (Cambridge: Cambridge University Press, 1996).

Woodhouse, A. S. P., ed. 1951. *Puritanism and Liberty: Being the Army Debates (1647–49) . . . with Supplementary Documents,* 2nd ed. (Chicago: University of Chicago Press, 1951).

Woolfe, C. N. S. 1913. *Bartolus of Sassoferrato: His Position in the History of Medieval Political Thought* (Cambridge: Cambridge University Press, 1913).

Wootton, David, ed. 1986. *Divine Right and Democracy: An Anthology of Political Writings in Stuart England* (Harmondsworth, Middlx: Penguin Books, 1986).

———. 1991. "Leveller Democracy and the Puritan Revolution," in Burns and Goldie, eds. (1991), 412–42.

———, ed. 1994. *Republicanism, Liberty, and Commercial Society, 1649–1776* (Stanford: Stanford University Press, 1994).

Worden, Blair. 1991. "English Republicanism," in Burns and Goldie, eds. (1991), 443–75.

———. 1994. "Marchamont Nedham and the Beginnings of English Republicanism, 1649–1656," in Wootton, ed. (1994), 45–81.

Workman, Herbert B. 1926. *John Wyclif: A Study of the English Medieval Church,* 2 vols. (Oxford: Clarendon Press, 1926).

Wycliffe, John. 1886. *Tractatus de ecclesia,* ed. Johann Loserth (London: Wyclif Society, 1886).

———. 1887. *De officio regis,* ed. A. W. Pollard and C. Sayle (London: Wyclif Society, 1887).

———. 1890. *De dominio divino libri tres,* ed. R. L. Poole (London: Wyclif Society, 1890).

———. 1885–1904. *De civili dominio,* ed. J. Loserth, R. L. Poole, and F. D. Matthew, 4 vols. (London: Wyclif Society, 1885–1904).

Yates, Frances A. 1975. *Astraea: the Imperial Theme in the Sixteenth Century* (London: Routledge and Kegan Paul, 1975).

Young, Spencer E., ed. 2011. *Crossing Boundaries at Medieval Universities* (Leiden: Brill, 2011).

Zabarella, Franciscus. 1566. *Tractatus de schismate,* in Schardius, ed. (1566), 688–711.

Zagorin, Perez. 1966. *A History of Political Thought in the English Revolution* (London: Routledge and Kegan Paul, 1966).

Zenmer, K. 1913. *Quellensammlung zur Geschichte der deutschen Reichsverfassung in Mittelalter und Neuzeit* (Tübingen: Verlag J. C. B. Mohr, 1913).

Zimmerman, G. 1988. "Konziliaristische Ideen in einer Calvinistischen Streitschrift: Hubert Longuets 'Vindiciae contra tyrannos,'" *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Germanische Abteilung* 74 (1988): 412–35.

Zwingli, Huldreich. 1905–59. *Huldreich Zwinglis samtliche Werke,* ed. F. Engli and G. Finsler, 14 vols. (Berlin: Verlag Schwetschke, 1905–59).

———. 1829–42. *Opera,* ed. M. Schuler and J. Schulthess, 8 vols. (Turici: F. Schulthessiana, 1829–42).

Index

Abbreviatio dialogi Okam (d'Ailly), 211
absoluta potestate vel de certa scientia (absolute power and certain knowledge), 143, 145, 146, 147
absolute monarchy, 142–50, 153–54, 170, 173, 209, 210, 235, 285
  basis of theory of, 20, 92–93
  certa scientia regis (certain knowledge) and, 143, 145, 146, 147
  civil resistance to, 149, 159
  constraints on, 143
  divine will basis of, 209
  legally defined limits to, 150, 168–69
  legitimate kingship and, 161
  meaning of, 146
  open proclamation of, 147
  ordained power vs., 143, 144, 145
  ordinary power distinction, 143, 145, 150, 156–57, 160, 161, 168–69, 170
  papal sovereignty as, 6, 19, 34–35, 135–38, 143, 145, 146, 154–55, 157, 225, 236, 242
  potestas absoluta/potestas ordinata and, 143, 145, 153–54, 156–57, 161
  as preferable, 146
  princeps legibus solutus est and, 143, 146
  seventeenth-century resistance to, 239. *See also* Divine Right Theory of Kingship; sacral monarch; tyrant
absolute value, 195
Act in Restraint of Appeals (1533, England), 158
Acton, Lord, 238
acts, thoughts vs., 188–89
Acts of the Apostles, 201
Acts of the Privy Council, 168
Adam (biblical), 98, 104, 160
Address to the Christian Nobility (Luther), 108, 113
adult baptism, 125–26, 281

advice books, 81
Aegidius Romanus, 14, 16, 17, 18, 20, 29, 151, 216, 336n19
De ecclesiastica potestate, 20, 213
De regimine principum, 24–25, 62, 151
dominium concept of, 94–95, 96, 99, 149, 150
afterlife, 40
Age of Faith, 288
Ailly, Pierre d', 12, 18–19, 131, 280
conciliarism and, 212, 229–33, 249, 250, 252, 270, 273, 275
Tractatus de ecclesiastica potestate, 338n73, 339n74
Tractatus de materia concilii generalis, 339n74
works of: *Abbreviati dialogi Okam*, 211
Alanus Anglicus, 226
Albericus, 161
Alfonso V, king of Aragon (Alfonso I of Naples), 148
Alfonso X, king of Castile, 148
Allen, J. W., 259, 269
Almain, Jacques, 212, 235, 237, 244–47, 248, 249, 250–51, 252, 258, 265, 269, 273, 275, 280
Tractatus de auctoritate ecclesiae (*A Book Concerning the Authority of the Church*), 244, 245–47, 248
Althusius, 240
Alvarus Pelagius, 14, 17, 18, 19
De planctu ecclesiae (Concerning the Lamentation of the Church), 17, 20
Ambrosiaster, 103, 132
America: discovery of, 9–10, 73
utopia and, 90
American colonies, 2, 56, 57
Anabaptists, 116, 118, 122, 123–26, 169
Schleitheim Confession, 125
An den christlichen Adel deutscher Nation (*To the Christian Nobility of the German Nation*) (Luther), 108, 113
Andrewes, Lancelot, 276
Andrew of Escobar, 232, 233, 234–35
angels, 104
Anglican Communion: Book of Common Prayer, 134. *See also* Church of England; Separatists
Anglo-Norman Anonymous, 103, 132
Anne, queen of Great Britain, 134
anointing (royal unction), 130, 131, 132, 133, 154, 200

Anonymous. *See* Anglo-Norman Anonymous
antiquity: civic virtues of, 80
classical republicanism and, 56, 57, 68
Fortuna and, 73–74
historical significance of, 70, 290
law practices and, 174
moral values of, 79
political legacy of, x, 2, 4
rhetorician-philosopher tensions in, 52–53
sacral monarch and, xiii, xiv, 2, 129, 130, 154, 165, 287. *See also* Christian antiquity; Greek antiquity; Roman antiquity
apocalypticism, 122, 123, 124–25
apostles, 20, 40, 44, 46–47, 217–18, 222, 225
poverty doctrine and, 38, 97, 100, 217
Apostolic See, 230–31
Aquinas, Thomas, 62, 177, 178, 182
De regno: ad regem Cypri, 29, 62, 151, 152, 178
Aragon, kingdom of, 147, 148
aristocracy, 88, 99, 100, 105, 229
Aristotle, 28–29, 36, 37, 52, 73, 179, 180, 193, 215
causality and, 88, 184
consent and, 181, 213–14
ideal ends and, 184, 189
medieval recovery of, 52
political thought of, 23, 188, 195, 203, 229, 250
scholasticism and, 207
teleological approach of, 24–25, 30
works of: *Ethics,* 24, 183
Metaphysics, 184, 298n63
Politics, 28, 184, 186, 187, 208, 213–14, 334n124
Armenian Church, 96, 97, 98
armies, 73, 74, 84, 87. *See also* warfare
Arrow against all Tyrants, An (Overton), 283–84
ars dictaminis, 54, 63
Art of War (*Dell'arte della guerra*) (Machiavelli), 76
Auerbach, Erich, 27
Augsburg, Religious Peace of (1555), 252, 253
Augustan age, 32, 287
Augustine of Hippo, St., 24, 31, 96, 98, 100–101, 121, 287
"Ambrosiaster" works and, 103, 132
De civitate dei (*The City of God*), 31, 95, 102, 109

Augustinians, 17, 91, 108–9
dominium doctrine and, 94, 95–96, 99–101, 107
Augustinus Triumphus of Ancona, 1, 14, 16–21, 96, 216
Summa de potestate ecclesiastica (Summary Account of Ecclesiastical Power), 17, 20, 21
Tractatus brevis de duplici potestate praelatorum et laicorum (Brief Treatise of the Twofold Power of Prelates and Laypeople), 17
Avignon papacy (1309–77), 44, 47, 96, 97, 108, 114, 136, 138, 177, 206
termed "Babylonian Captivity," 108, 114, 136

Bacon, Francis, 12, 168
Baldus de Ubaldis, 150, 161, 176, 177, 179, 180–81, 320n40
baptism, 95
adult, 125–26, 281
infant, 281
barbarians, 66
Barclay, William, 159, 160–61, 168, 259, 276
De Regno et Regali Potestate (*Concerning the Kingship and the Royal Power*), 160–61
Barnes, Robert, 117, 118, 158
A Supplication. . . unto the Most Gracyous Prynce Henrye the Eyght, 117
Baron, Hans (Baron thesis), 56–64, 66, 67–68, 69, 71
Crisis of the Early Italian Renaissance, 57
Barret, William, 276
Bartolus of Sassoferrato, 63, 161, 176, 177, 179, 180, 181, 328–29n25
Basel, Council of (1431–45), 4, 136–38, 139, 140, 141, 144, 155, 200, 210, 227, 229, 231–36, 248, 270, 273
dissolution of, 242
English sixteenth-century interest in, 272
Eugenius IV victory over, 232, 233, 236, 242
Basilikon Doron (James VI of Scotland), 160, 163
Batenburg, Jan van, 123
Bate's case (1606), 168
Bäumer, Remigius, 235
Beekinsau, Johannes, 157
Bekenntnis of Magdeburg (1550), 253
Bellarmine, Robert, Cardinal, 21, 155, 172, 209, 240, 274
Belloy, Pierre de, 159
Benedict XII, Pope, 37

Benedict XIII, Pope, 138
Benedictines, 23
Berger, Peter, 290
The Sacred Canopy, 288
Berlin, Isaiah, 70, 79–80
Bernard of Clairvaux, 52, 213
Bertelli, Sergio, 286
Beza, Theodore, 253, 267, 268, 270
Du droit des magistrats (*Of the Right of Magistrates*), 262, 263, 264–65
Bible, 5, 20, 32, 92, 108, 224
conciliarism and, 235
as God's revealed will, 169, 214
Luther's politics based on, 110, 113, 115, 117, 123, 156, 159, 251
philosophical tensions with, 51–52
resistance theory and, 253
teachings of, 196–97
as Wycliffe's sovereign authority, 101, 103. *See also* New Testament; Old Testament
Bilson, Thomas, bishop of Winchester, 273, 276
bishops, 40, 41, 93, 215, 216
conflict of mendicant friars with, 19, 93, 97
image of Christ borne by, 103
papal infallibility and, 236
as Peter's successors, 225
potestas ordinis of, 20, 21, 156–57, 218–19, 220
sacramental power of, 218
Bishop's Book (1537), 156
Black, A. J., 142, 233, 234, 235, 238, 239
Black Death, 8, 9
Blackfriars' Synod (1382), 96
Blackwell, George, 276, 277
Bloch, Marc, 131
Boccaccio, Giovanni, 12, 36
Bodin, Jean, 142, 144–46, 168
body mystical. See *corpus mysticum*
Bohemia, 132, 138
ecclesiastical reform, 106–7
Boleyn, Ann, 271
Boniface VIII, Pope, 16, 17, 338n73
Book of Common Prayer, 134

Book of Martyrs (Foxe), 272–73
Bossuet, Jacques-Bénigne, Bishop, *Politique tirée des propres paroles de l'écriture Sainte,* 171
Boucher, Jean, 237, 347n112
Bourbon monarchy, 15
  restoration of, 134
Bracciolini, Poggio, 60, 64, 69, 73–74
Bracton, Henry de, 149, 150
Bradshaw, Brendon, 89
Bramhall, John, bishop of Armagh, 237, 277
Brandmüller, Walter, 211
Brenz, Johannes, 316n97
Breviloquium (*A Short Treatise on Tyranny*) (William of Ockham), 198
Bridge, William, 272, 277–78
Britain. *See* England
Bruni, Leonardo, 59, 60, 61, 62, 64–67, 69, 70, 72, 73
  funeral oration for Strozzi, 66
  Laudatio Florentinae urbis (*Pangyric to the City of Florence*), 65, 66, 73
Bucer, Martin, 118, 119, 120, 121, 254, 316n97
  De regno Christi (*On the Kingdom of Christ*), 120
Buchanan, George, 12, 258–61, 268, 270
  Dialogus de jure regni apud Scotos (*A Dialogue on the Law of Kingship among the Scots*), 160, 258–61
  individual subjective rights and, 280
Buckeridge, John, bishop of Ely, 237, 276, 277
Budé, Guillaume, 81
Bullinger, Heinrich, 123
Burgundy, 22
Burhill, Robert, 276
Burns, J. H., 143, 144, 225, 233, 251
Byrd, William, 12
Byzantine East, 53, 287

Caesar, Julius, 59
Cajetan, Thomas de Vio, Cardinal, 21, 141, 155, 209, 244–45, 247
  De comparatione auctoritatis papae et concilii (*Concerning the Comparison of the Authority of Pope and Council*), 244–45
Calvin, John, 5–6, 107, 119, 120–22, 126, 251–54, 265, 270
  Institutio christianae religionis (*Institutes of the Christian Religion*), 121–22, 253–54

"Theory of Revolution," 252
Calvinism, 6, 12, 92, 120–27, 133, 156, 159, 237, 252, 254–55, 258–59, 261, 264, 265, 277, 283
resistance theory and, 239, 240, 241, 252, 262, 267, 269–70. *See also* Huguenots
Cambridge Platonists, 164
Campanella, Tommaso, 1, 15
Camus, Albert, 286
L'homme revolté (*The Rebel*), 289
Cananova, José, 289
Canning, Joseph P., 180
canon law, 113, 144, 168, 174, 201, 204, 265
conciliar movement and, 226–27, 232, 235
potestas absoluta et ordinaria and, 143, 161, 168
Capetian kings, 132
cardinals, 222, 223–24, 226, 231
conciliabulum of Pisa and, 244
power over pope of, 229–30, 249, 257
Carlyle, A. J., and R. W. Carlyle, *A History of Medieval Political Theory in the West,* 1–2
Carolingians, 38
Carrara family, 65
Cassell, Anthony K., 28
Castile, kingdom of, 135, 147–48
Castle Church (Wittenberg), 108
Catherine of Aragon, 271
Catholic Church. *See* Latin Catholic Church
Catholic *Ligue* (France), xiv, 279, 347n112
causality, 184, 186–88, 189, 190, 192, 195, 205, 220. *See also* efficient cause; final cause; teleology
Cavalcanti, Giovanni, 69
Cerfaux, L., 130
certa scientia regis (certain knowledge), 143, 147
Cervantes, Miguel, 12
change, causes for, 184
charity, 104, 105
Charles I, king of England, 134, 163, 277
trial and execution of, xiv–xv, 171, 286
Charles II, king of England, 134
Charles IV, Holy Roman emperor, 22
Charles V, Holy Roman emperor, 18, 36, 158, 252–53

Charles V, king of France, 131–32
Coronation Book, 132
Charles VI, king of France, 131
Charles X, king of France, 134
Chartres, 54
Chaucer, Geoffrey, 12
Childeric, Merovingian king of the Franks, 38
China, 51
Chrimes, S. B., 149, 150
Christ, 108, 287
apostles and, 217–18, 222
Augustan age and, 32
Christian community as body with, 225
clerical successors to, 40
divinity of, 21, 40, 46, 93, 102, 103, 106, 132, 217
dominium of, 105
humanity of, 21, 40, 46–47, 93, 103, 132, 196, 215, 217
as monastic model, 196
papacy and, 46, 178
potestas jurisdictionis conferred by, 219, 220
potestas spiritualis summa and, 237
poverty of, 44, 217
redemptive sacrifice of, 32, 104, 110, 215
rule of, 234
Sermon on the Mount as moral ideal of, 281
as source of church's power, 245, 246, 247
true body of, 233
vicars of, 93, 102, 103, 201
Christian antiquity, 31–33, 130, 196, 197, 290
communitarian nature of, 5
conciliar legacy of, 225–26
consent of community of faithful and, 220–21
Roman empire and, 31, 220–21, 287
Christian education, 81–82
Christian fathers, xiii, xv, 31–32, 130, 292
Christianity, x, xiii, xv, 50
church-type vs. sect-type, 281–52
divine revelation basis of, 169, 214
late medieval-early modern driving challenges to, 4–5, 50
locus of authority of, 5
medieval enforced unity of, 50

moral autonomy and, 279, 280
narrative of, 215
nature of, 17, 18
papal supremacy and, 225
providentialist optimism and, 31, 33, 287
regal sacrality and (*see* sacral monarch); shattered unity of, 50, 160, 290
as single entity, 18, 225
three issues of, 17–18
traditional virtues vs. *virtù* and, 75, 78
as true religion, 214. *See also* Latin Catholic Church; Protestant Reformation; spiritual vs. temporal authority
Christology. *See* Christ
Chronicon pontificum et imperatorum (Martinus Polanus), 213
church and state. *See* spiritual vs. temporal authority
Church of England, 27, 82, 156–58, 271–72
Book of Common Prayer, 134
Book of Martyrs, 272–73
conciliar tradition and, 273, 276
Separatists and, 124–25, 126, 283–84, 292
church-type Christianity, definition of, 281
church universal. *See* Latin Catholic Church
Cicero, 52, 53, 55–56, 59, 62, 64
scholasticism and, 207
Cistercians, 196
city, 179, 187, 220
consent and, 181, 193–95, 214
emergence of, 187–88
City of God, The (Augustine), 31, 95, 102, 109
city-state. *See* northern Italian city-states
civic humanism, 56–57, 59–90
birth of, 59
leading figures of, 64–65
rhetoric of, 65
Utopia and, 90
warfare and, 82
civic virtue. *See* virtue, politics of
civil *dominium,* 98–99, 104, 105
civil law, 99, 104, 113–14, 144, 168, 176, 201, 267
potentia absoluta/ordinata and, 168–70
civil wars, English, 133, 171, 237, 241, 277–78, 282, 283, 285

civitas. *See* city
civitas dei, civitas terrena, 102, 109
Civitate dei, De (*The City of God*) (Augustine), 31, 95, 102, 109
classical learning, 54–55, 66
classical republicanism, 2–3, 56, 57, 68
classical world. *See* antiquity
clemency, 75
Clement V, Pope, 16, 34
  Erivi de paradiso (decretal), 44
Clement VI, Pope, 37, 97, 100
clergy: challenges to papal power by, 21, 139
  church wealth and, 100, 105–6
  Luther's view of, 111
  mendicant friar conflict with, 19, 92–102
  potestas ordinis and, 20, 21, 156–57, 218–19, 220
  reform and,106
  wealth of, 105. *See also* bishops; priesthood
Clichtove, Josse, 81
climate catastrophes, 8–9
Cloud of Unknowing, The (anon.), 12
Clovis, king of the Merovingians, 131
Code of Justinian. See *Corpus Juris Civilis*
Coke, Thomas, 240
Cola di Rienzo, 36
Coleman, Janet, 94
Collectanea satis copiosa (Foxe), 27
collective consent, 176
Collège de Montagu, 248
College of Cardinals. *See* cardinals
Colonna, Sciarra, 37
Commedia (Dante), 26, 27, 28, 33, 34
common good, 82
  consent determinant of, 204, 259
common law, 147, 148–49, 168
commonwealth, 3, 90
communism, Utopian, 84, 87, 88–89, 90
communitarianism, 6
community (*universitas*), 42–43, 187, 188, 189
  conciliarism and, 245, 246, 250
  human law and, 190, 192
community consent. *See* consent

Compendium moralis philosophiae (Roger of Waltham), 151
conciliabulum of Pisa (1511–12), 210, 212, 241, 244, 247, 270
conciliarism, 12, 18–19, 136–41, 210–39, 242–51, 270–78, 285
canonist strands of, 226–27, 232, 235
challenge to church unity of, 4–7
classical era strands of, 227–35, 248–49, 270–71
conceptualization of, 5, 210
consent theory and (*see* consent); early fifteenth-century radical thought and, 270, 285
early vs. later theory formulations of, 235
ecclesiology and, 244–51, 277
Europe-wide writings on, 274–75
extreme vs. moderate, 211
fate of, 242–43
Haec sancta synodus superiority decree (1415) and, 136, 139, 228, 243, 272
internationalization of, 275–76
interpretive confusion and, 212
leading figures of, 272
legacy in European political thought of, 233, 236–39
limits on power of, 144
as precedent for resistance to tyrants, 239, 257, 259, 264, 268–69, 272, 277–78, 285
strict conciliar theory and, 231–35, 249
superior jurisdictional power of, 136
ultramontanism vs., 242
variations in, 231–35. *See also* Basel, Council of; Constance, Council of; Pisa, Council of
Condé, Prince de, 261
confusio regnorum, 114, 115
Conrad of Gelnhausen, 211, 228–29
Epistola concordiae, 228
conscience. *See* individual conscience
conscious conversion, 282
consent, xiv, 1, 2, 21, 128, 172–208, 278–85, 291
autonomy and, 191
conciliarism and, 213–24, 235, 285
consolidation of theory of, 279
contract theorists and, 278
to depose tyrant, 246, 249, 255, 265
of early Christian faithful, 220–21

ecclesiastical jurisdiction and, 208, 209–39
of free and equal individuals, 241–42, 284
as fundamental right, 199, 249
legitimization by, 153, 174–77, 181, 195, 231–35, 240, 259, 279–80
medieval origins of, 174, 285
peace based on, 214
popular, 181, 194–95
power vs. authority and, 176
secular government and, 172–208
specific understanding of, x–xi
strict conciliar theory and, 231
tacit vs. express, 180, 204
theory formulations (*see* Marsiglio of Padua; Nicholas of Cusa)
two critical/historic processes and, 279–80
types of, 176
Constance, Council of (1414–18), 4, 5, 106, 107, 138, 142, 144, 206, 210, 211, 227–29, 231, 232, 235, 238, 243, 248, 257, 270, 272
ending of Great Schism by, 243
English sixteenth-century interest in, 272
Frequens decree (1417), 136, 139, 228
Haec sancta superiority decree (1415), 136, 139, 228, 243, 272
theorists of, 233
Constantine, emperor of Rome: Christian conversion of, 31, 221, 287
constitutionalism, 5, 6, 16, 61, 144, 147, 149–50, 151, 197, 208, 209, 240, 269, 279, 285
conciliar underpinnings of, 236–37, 238–39, 244, 250, 272
ecclesiastical influence on secular theory of, 239
Luther-inspired move away from, 252
mixed, 149, 150, 152–53, 229
moderate, 46
as monarchical restraint, 173
removal of monarch and, 240–41, 250, 262–63, 265, 277
strict conciliar theory and, 231
contractarian tradition, 13, 191, 241, 280, 283
modern vs. classical, 278–79
ruler and subject, 206–7
Convivio (Dante), 28, 30, 31, 33
Copernican revolution, 11, 57, 68
Cordier, Pierre, 234
Corinthians, First Epistle to (St. Paul), 197

Corneille, Pierre, 12
Coronation Book of Charles V, 132
corporatism, 174, 225, 226, 228, 230–31, 232, 261. *See also* community
corpus Christi mysticum, 245
corpus Christi verum, 233
Corpus Juris Civilis (Justinian), 130, 144
corpus mysticum, 152, 234
corpus mysticum ecclesiae, 233–34
corpus politicum, 234
corruption, 34, 108
Cortes (parliament), 147
Cortes of Olmedo (1445), 148
Council of Ten (Florence), 68
Cowell, James, 168
Cranmer, Thomas, archbishop of Canterbury, 156–57
Creation, Christian narrative of, 215
Crisis of the Early Italian Renaissance (Baron), 57
Croce, Benedetto, 78
Cromwell, Oliver, 2, 56
Cromwell, Thomas, 156
Crowley, Robert, 90, 310n118
Cudworth, Ralph, 164
cujus regio ejus religio (Holy Roman Empire policy), 253
Cusa. *See* Nicholas of Cusa
Cyprian, 225
Czech ecclesiastical reform. *See* Bohemia

d'Ailly, Pierre. *See* Ailly, Pierre d'
Daly, James, 164
Daniel, Book of, 15, 123, 253
Dante Alighieri, 1, 12, 22–23, 26–36, 62, 73
  Commedia, 26, 27, 28, 33, 34
  Convivio, 28, 30, 31, 33
  Monarchia, 26–27, 28, 33–36
  Paradiso, 34
"political letters" (1310–12), 30
David, King (biblical), 162
Davies, Sir John, 168–69
Davis, Charles T., 33, 62
Dawson, James D., 99

Day of Judgment, 109
De captivitate Babylonica Ecclesiae (*On the Babylonian Captivity of the Church*) (Luther), 108, 114
Decius, Philippus, 341n8
De civili dominio (*Concerning Civil Dominium*) (Wycliffe), 99
Czech translation, 106
De civitate dei (*The City of God*) (Augustine), 31, 95, 102, 109
De comparatione auctoritatis papae et concilii (*Concerning the Comparison of the Authority of Pope and Council*) (Cajetan), 244–45
De conciliis (Sutcliffe), 273
De concordantia catholica (*The Catholic Concordance*) (Nicholas of Cusa), 200–204
Decretalists, 227, 232
Decretists, 196–97, 227, 232
Decretum (Gration), 197, 225
De docta ignorantia (*On Learned Ignorance*) (Nicholas of Cusa), 200, 201
De dominio divino (*Concerning Divine Dominium*) (Wycliffe), 99
De ecclesia (*Concerning the Church*) (Hus), 107
De ecclesia (*On the Church*) (Wycliffe), 101, 102
De ecclesiastica et politica potestate (Richer), 275
De ecclesiastica potestate (Aegidius Romanus), 20, 213
Defensor minor (*The Lesser Defender [of the peace]*) (Marsiglio of Padua), 38, 39–40, 42, 43, 192–93, 221
Defensor pacis (*Defender of the Peace*) (Marsiglio of Padua), 16, 37, 38, 39, 40, 42, 56, 181–95
conciliarists and, 211, 212, 213
First Discourse, 185–86, 187, 189, 195, 213–14, 220, 222
Second Discourse, 183, 187, 195, 213, 215–16, 217, 220, 222
Third Discourse, 187
William of Cremona refutation of, 96
deference, politics of. *See* Divine Right Theory of Kingship; sacral monarch
De gestis concilii Basiliensis Commentariorum (Piccolomini), 272
De imperatorum et pontificum potestate (*On the Power of Emperors and Popes*) (William of Ockham), 46
De Lagarde, Georges, 269
De laudibus legum Anglia (*In praise of the Laws of England*) (Fortescue), 148–49, 152, 153
De libero arbitrio (*On Free Choice of the Will*) (Erasmus), 109
democracy, 233, 282
De modis uniendi et reformandi ecclesiam in concilio universali (Dietrich

of Niem), 212
demographics, 8, 9, 10
De natura legis naturae (On the Nature of the Laws of Nature) (Fortescue), 148, 151, 152
Denck, Hans, 124
Denmark, 11
"de nostre, certaine science, pleine puissance et auctorité royale," 147
Denys van Rijkel (the Carthusian), 229, 232
De officio regis (*On the Office of the King*) (Wycliffe), 103, 132
De optimo republicae statu deque nova insula Utopia (*The Best State of a Commonwealth and the New Island of Utopia*) (More). See *Utopia*
De ortu et fine Romani imperii (Concerning the Origin and End of the Roman Empire) (Engebert of Admont), 23–26
De pauperie Salvatoris (*On the Poverty of the Savior*) (Fitzralph), 96–97, 98
De planctu ecclesiae (Concerning the Lamentation of the Church) (Alvarus Pelagius), 17, 20
De potestate ecclesiastica (Concerning Ecclesiastical Power) (Gerson), 229
De regimine principum (Aegidus Romanus), 24–25, 62, 151
De regimine principum (*On the Government of Rulers*) (Potlemy of Lucca), 62, 151–52, 177–78
De regno: ad regem Cypri (Aquinas), 29, 62, 151, 152, 178
De regno Christi (*On the Kingdom of Christ*) (Bucer), 120
De Regno et Regali Potestate (*Concerning the Kingship and the Royal Power*) (Barclay), 160–61
desacralization, 289–92
Descartes, René, 12
De servo arbitrio (*On the Bondage of the Will*) (Luther), 100
despotism. *See* tyrant
De translatione imperii (*On the Transfer of the Empire*) (Marsiglio of Padua), 38, 39
De vera differentia (Foxe), 157
De vera obedientia (Gardiner), 157–58
De veritate sacre scripturae (*On the Truth of Sacred Scripture*) (Wycliffe), 101
devil. *See* Satan
dialectic, 52–53
"Dialogue of Counsel" (More), 83, 85–86, 87
Dialogus (*Dialogue*) (William of Ockham), 46, 198, 275
Dialogus de jure regni apud Scotos (*A Dialogue on the Law of Kingship among the Scots*) (Buchanan), 160, 258–61

Dickens, Charles, 8
dictatores, 54
Diet (Germany), 255
Dietrich of Niem, 211, 212, 232, 233
De modis uniendi et reformandi ecclesiam in concilio universali, 212
Digges, Sir Dudley, the Elder, 272
digna vox, 144
diocesan clergy. *See* clergy
Dionysius the Areopagite, 201
Discorsi sopra la prima deca di Tito Livio (*Discourses on the First Ten Books of Tito Livy*) (Machiavelli), 68–69, 70–72, 74, 75, 76, 78, 80
Discours politiques (anon.), 262, 268
diseases, 8, 9–10
disobedience, 6
Disputatio de auctoritate concilii (*Disputation Concerning the Authority of the Council over the Supreme Pontiff*) (Mair), 245, 247–48
divided *dominium,* 94–95, 104–5, 150–52
divine election. *See* predestination
divine grace. *See* grace
divine law, 40, 143, 145, 148, 190, 198
divine revelation. *See* revelation
Divine Right Theory of Kingship, xiv, xv, 118, 132, 133, 154–71
factors contributing to, 154–56
four propositions of, 159–60, 161–62
individual formulations of, 160–70
latter seventeenth century and, 170–71, 277
two illustrations of, 160–70
divines of Paris. *See* Sorbonnists
divine will, 19, 119, 209, 224
ecclesiastical jurisdiction based on, 155
hidden and revealed, 169–70, 214
Döllinger, Ignaz von, 236
Dominicans, 19, 92, 93–94, 177, 279
dominion. See *dominium*
Dominis, Marc Antonio de, 276, 277
dominium, 93–107
Aegidius concept of, 94–95, 96, 99, 149, 150
civil, 98–99, 104, 105
as contingent on grace, 94–96, 97, 99, 104, 105, 107
divided, 94–95, 98, 104–5, 150–52
human vs. divine, 98, 103, 104, 105

meanings of, 93, 98, 150–52
natural, 104–5
papacy and, 94, 95, 216
politicum vs. *regale,* 150, 151
possessed by Christ, 105
proprietary denotation of, 93–94
subspecies of, 104–5
summary of Wycliffe's teachings on, 103–4, 149, 150
universal (God's), 103
dominium imperiale, 152
dominium politicum et regale, 150, 151, 152, 153, 162–63, 208
dominium proprietas, 98
dominium regale, 152, 153, 208
Donation of Constantine, 34
Donatist doctrine, 100, 102
Donne, John, 12
Du concile général et de la paix religieuse (Maret), 243–44
Du droit des magistrats (*Of the Right of Magistrates*) (Beza), 262, 263, 264–65
Dufay, Guillaume, 12
Dunn, John, 3
Duns Scotus, 11
Duplessis Mornay. *See* Mornay, Philippe du Plessis
Durand, William, the Younger, 227–28
Durkheim, Émile, 77, 288

early Christians. *See* Christian antiquity
ecclesiastical jurisdiction, 18, 205–7, 246–51
consent politics and, 208, 209–39
constitutionalism and, 5, 239
divine will as basis of, 155
limits to, 41–42
locus of, 5
potestas jurisdictionis (power of jurisdiction), 20, 157, 218–29, 220
potestas ordinis (power of order), 20, 21, 156–57, 218–19, 220
top-down "derivational" theory of, 20, 92–93. *See also* spiritual vs. temporal authority
ecclesiastical property, 93, 97, 99, 105
Eck, John, 107
Eckermann, K., 138, 143
Eco, Umberto, xi, 280

education, 52–54, 55, 56
Christian, 81–82
liberal arts tradition, 52
studia humanitatis curriculum, 53, 55. *See also* humanism; scholasticism; universities
Education of a Christian Prince, The (Erasmus), 81–82
efficient cause, 181, 184, 189, 190, 192, 194, 195, 205, 220
Egidius Romanus, 17
elect, the: Augustine's views on, 100, 101
invisible church of, 102, 119
Luther's views on, 109–10
Wycliffe's views on, 102, 103, 104
elections, 38, 193–95
of kings, 38, 161, 193, 195
of popes, 4–5; 10, 198, 222, 230
Elizabeth I, queen of England, 155, 159, 160
Elizabethan World Picture (Tillyard), 164
emperor. *See* kingship
empire, 39, 65, 90, 185
concept of, 22
conflict of papacy with (*see* spiritual vs. temporal authority); consent of governed and, 214
dream of universal, 1, 21–36. *See also* Holy Roman Empire; Roman empire
end cause. *See* final cause
ends, ideal, vs. proximate means, 184
England, xiv, 6, 10–11, 12, 15, 56
absolutists and, 239
break from Rome of, 118, 156–57, 158, 271–72
Calvinism and, 126, 254–55, 262
Catholicism and, 100, 254, 256, 258, 271, 273, 274, 276
civil wars (1642–51) of, 133, 171, 237, 241, 277–78, 282, 283, 285
common law and, 168
conciliarism and, 5, 211, 270–78, 285
consent theory and, 153, 176, 177, 280, 285
constitutionalism and, 151, 152, 173–74, 208, 279
Divine Right theory and, 156–58, 159, 160, 161–70, 171
early sixteenth-century humanist ideas and, 82–89
established church of (*see* Church of England); execution of Charles I and, xiv–xv, 171, 286

Gunpowder Plot (1605), 271, 273
Hundred Years'
War, 10–11, 135, 153
imperialism and, 90
interregnum Commonwealth and Protectorate (1649–60), 2, 3–4, 90, 133, 171
kingship and, 64, 135, 146, 148–50, 151, 160, 165–68, 237
king's touch and, 130, 131, 133–34, 154
Levellers and, 241, 282, 283–84, 285, 292, 350n155
Lutheranism and, 107, 116, 117–18, 156
Oath of Allegiance (1606), 172, 241, 271, 273, 274, 276
papal power and, 155
potentia absoluta/ordinata distinction and, 168
Protestant thought and, 237, 238, 252, 254, 282–83
religious minorities and, 173
Renaissance in, 80
representative assembly of (*see* Parliament); resistance theory and, 250
Restoration in, 134, 171
Separatists and, 124–25, 126, 283–84, 292
Englebert of Admont, 23–26, 29
De ortu et fine Romani imperii (Concerning the Origin and End of the Roman Empire), 23–26
Enlightenment, 288
Enrique IV, king of Castile, 135, 148
Entrèves, Alexander Passerin d', 175
episcopal collegiality, 16, 21, 277
Epistola concordiae (Conrad of Gelnhausen), 228
equality, 203, 218, 220
Erasmus, Desiderius, 81–82, 83, 169
De libero arbitrio (*On Free Choice of the Will*), 109
Institutio principis Christani (*The Education of a Christian Prince*), 81–82
Erfurt monastery, 18
Ermahnung zum Frieden (*Admonition to Peace*) (Luther), 115
Escobar. *See* Andrew of Escobar
Estates-General (France), 241, 264, 274
Eucharist, 233
Eugenius IV, Pope, 137, 138, 139, 140
confrontation with Council of Basel, 232, 236, 238, 242
Libellus apologeticus (1326), 139

Eusebius of Caesarea, xiv, 29, 31, 154, 287
evangelical *dominium,* 104, 105
evangelical liberty, 196
Evangelical Protestantism, 120
evil, 74
ex certa scientia, 161
excommunication, 37, 38, 41–42, 121, 155, 156, 271, 273–74
Execrabilis (Pius II bull), 243
executive power, 192–94
Exhortation to styrrr all Englyshe men to the defence of theyr countrye (Morison), 158
Exiit qui seminet (decretal), 44
existentialism, 52
Exivi de paradiso (decretal), 44
exploration, 9–10, 73
express consent, 180, 204

faith, 75
  justification by, 109, 110–11, 112, 119
faithful human legislator. See *legislator humanus fidelis*
Fall. *See* original sin
famines, 8
Fasolt, Constantin, 211
Ferdinand II (the Catholic), king of Spain, 243
Ferne, Henry, bishop of Chester, 237, 238
Ferreri, Zaccario, 341n8
Field, Richard, 276
Fifth Lateran Council (1512–17), 243, 244, 273
  Pastor aeternus decree (1516), 243
Figgis, John Neville, 158, 159–60, 161–62, 173, 210, 238, 278, 279, 318n1, 351n18
Filmer, Sir Robert, *Patriarcha,* 160, 171
final cause, 188, 195, 205
Finland, 16
First Blast of the Trumpet against the Monstrous Regiment of Women, the Appellation . . . to the Nobilities, Estates, and Commonalities of Scotland (Knox), 254
First Vatican Council (1869–70), 236, 242, 243
Fish, Simon, 117
Fitzralph, Richard, archbishop of Armagh, 96–100, 101, 107, 149, 150
  De pauperie Salvatoris (*On the Poverty of the Savior*), 96–97, 98

Propiscio, 97
Summa de questionibus Armenorum (A Summary Account of the Armenian Questions), 96, 98
Fleming, Thomas, Lord Chief Baron, 150, 168
fleur-de-lys (French royal symbol), 132
Florence, 26, 137, 177
humanists and, 59, 63–64, 66, 70, 72
military power of, 73
republicanism and, 2, 3, 57, 58, 59, 60, 62, 65, 66, 67–68
Florentine Histories (Machiavelli), 69–70
Floyd, John, 276
forcible resistance. *See* resistance theory
forgiveness, 108–9, 112, 220
Forset, Edward, 168
Fortescue, Sir John, 140, 146, 147, 148–50, 151–54, 162, 177, 208
De laudibus legum Anglia (*In praise of the Laws of England*), 148–49, 152, 153
De natura legis naturae (On the Nature of the Laws of Nature), 148, 151, 152
The Governance of England, 149, 152, 153
fortitude, 75
Fortuna (fortune), 73–74, 76, 81
Foucault, Michel, 7
Foxe, Edward, bishop of Hereford, 157, 271–73
Book of Martyrs, 272–73
Collectanea satis copiosa, 271
De vera differentia, 157
France, xiv, 6, 9, 68, 176, 240
anointing of kings and, 131
conciliarism and, 5, 244, 246, 270, 274, 275, 276
constitutionalism and, 272, 279
Divine Right theory and, 158, 159–61, 171
execution of Louis XVI and, 286
Gallicanism and, 236, 242
Hundred Years' War, 10–11, 135, 153
intellectual/educational activity and, 53, 54, 55
(*see also* Sorbonnists; University of Paris)
kingship and, 15, 81, 135, 146–47, 153, 160, 161, 286
king's touch and, 130, 131, 134
mirror of princes literature and, 81
oaths of allegiance and, 241

papacy and, xiii, 16, 17, 236
(*see also* Avignon papacy); Protestantism and, 121, 122, 126, 252, 258
(*see also* Huguenots); religious wars and, xiv, 10, 11, 159, 160, 171, 261–62, 282
Renaissance in, 80
representative assembly (*see* Estates-General)
St. Bartholomew's Day massacre, 261, 262
Salic law of, 145
scholasticism and, 232–33, 237, 241
Francis I, king of France, 121, 122
Francis II, king of France, 261
Franciscans, 17, 19, 44–45, 77, 92, 196
dominium and, 93, 94
poverty doctrine of, 97, 98, 217
Francis of Assisi, St., 44, 97, 98
Francogallia (Hotman), 262, 263–64
Frankish kingship, 39
Franklin, Julian H., 264
Franzen, August, 235
Frederick II, Holy Roman emperor, 14, 22
Frederick III, Holy Roman emperor, 140
Frederick of Austria, 36
free citizen, 195, 196
free city, 120
freedom, 195, 196–97, 203. *See also* liberty
free will, 124, 282
Frege, Gottlob, 293n8
French Religious Wars in English Political Thought, The (Salmon), 269
Frequens decree (1417, Constance), 136, 139, 228
friars. *See* mendicant friars
Fronde (1648–53), 171
fundamental laws, 145

Gaius, 181
Galileo Galilei, 11
Gallicanism, 236, 242
Gansfort, Wessel, 176, 177, 200, 204–7
individual subjective rights and, 280
Tractatus de dignitate et potestate ecclesiastica (*Concerning the Ecclesiastical Dignity and Power*), 205–7

Garcia, Alfonso, bishop of Burgos, 272
Garden of wysdomme (Taverner), 158
Gardiner, Stephen, 157, 158
De vera obedientia, 157–58
Garin, Eugenio, 72, 74
Garnett, George, 37–47
Gassendi, Pierre, 12
Gattinara, Mercurio da, 36
Gaul, 33, 38
Geinhausen, 232
geistliche Reich (spiritual realm), 112, 114
geistlich Regiment (God's spiritual guidance), 112
Geltell, R. G., 238
Geneva, 119, 120–21, 254, 264
Gentilis, Albericus, 168
Germany, 11, 12, 14, 22, 64, 80, 81
Lutheranism and, 107, 117, 251, 253
Peasant's War, 114–15, 122, 123, 251
Protestant Reformation and, 6, 10, 119, 123, 124, 125, 252. *See also* Holy Roman Empire
Gerson, Jean, 12, 18–19, 131, 206, 211, 212, 232, 233, 235, 237, 250, 270, 273, 275
De potestate ecclesiastica (Concerning Ecclesiastical Power), 229
publication (1606) of complete works, 274
subjective rights theory, 251, 280
Gesta Frederici Imperatoris (*Deeds of Frederick Barbarossa*) (Otto of Freising), 57–58
gestliche Reich vs. weltliche Reich, 112, 114, 116
Gewirth, Alan, 39, 184, 185, 301n112, 330–31n63
Gibbons, Orlando, 12
Gierke, Otto von, 238
Gilbert, Felix, 81
Giles, Peter, 83, 85
Girolami, Remigio de', 31, 62
God: direct relationship with (*das geistliche Reich*), 112
dominium as gift from, 98–99, 103, 104
forgiveness conferred by, 108–9, 220
grace of (*see* grace); hand of, 59
kingdom of (*regnum dei*), 109, 122–23
kingship and (*see* Divine Right Theory of Kingship; sacral monarch)
mercy of, 119

obedience required by, 156, 158, 159
power of (*potentia dei absoluta et ordinata*), 161, 168–70, 217
predestination and (*see* elect, the); providence of, 31, 73
Satan vs., 109
as source of all authority, 35, 49, 117, 142, 143, 203
spiritual guidance (*geistlich Regiment*) of, 112
temporal rulers as masks for, 113
tyrants as instruments of, 113, 254
vicar of, 132, 148
will of (*see* divine will)
Goldast, Melchior, 141
Monarchia S. Romani Imperii, 275
Golden Bull of Eger, 22
Golein, Jean, *Traite du sacre,* 131–32
Goodman, Christopher, 254–55, 258, 280
How Superior Powers Oght to Be Obeyd of Their Subjects, 254
goods, ownership vs. use of, 44
Gospels. *See* New Testament; *specific gospels*
Governance of England, The (Fortescue), 149, 152, 153
governed, consent of. *See* consent
government. *See* political thought
Gozzadini, Giovanni, 234, 341n8
grace: *dominium* contingent on, 92–102, 104, 105, 106, 107
justification through faith, 109, 110–11
regnum dei achieved through, 109

royal unction and, 131–32, 154
sacraments as channel of, 95, 101
gracia gratificans. *See* grace
Gratian, *Decretum,* 197, 225
great chain of being, 164, 165, 168
Great Chain of Being (Lovejoy), 164, 165
Great Schism of the West (1378–1417), 4–5, 10, 230
conciliarism and, 210, 212, 222, 224, 242
disputed papal election precipitating, 4–5, 10, 136, 228, 242
ending of, 136, 243
Grebel, Conrad, 124
Greek antiquity, 52–53, 179, 181, 290
philosophy of kingship and, 29–30, 31, 33, 129, 130, 164
rhetoric and, 53, 55
sacral monarch and, 129, 165
Greek Church, 96
Greek literature, 55
Greenleaf, W. H., 163–64
Gregory I (the Great), Pope, 100
Gregory VII, Pope, xiii
reforms of, 130, 137, 287, 290
Gregory IX, Pope, 95, 226
Frederick II conflict with, 22
Quo elongati (bull), 44
Gröningen, 205
Grotius, 240
Guarini, Guarino, 64
gubernaculum/jurisdictio distinction, 149–50
Guicciardini, Francesco, 81
History of Italy, 81
Guise family, 261, 262
Gunpowder Plot (1605), 271, 273
Gustavus Vasa, king of Sweden, 117

Habsburg monarchy, 15
Haec sancta synodus (Constance 1415 superiority decree), 136, 139, 228, 243, 272
Hales, John, 310n118
Hallam, Henry, 243
hand of God, 59
Hankins, James, 65

Hanover dynasty, 134
Hardt, Hermann von der, 212
Harrington, James, 1
Hayward, Sir John, 276
Hegel, Georg Wilhelm Friedrich, xiv, 290
Heimburg, Gregor, 232
Heimericus de Campo, 201
Hellenistic philosophy of kingship, 29, 30, 31, 33, 130, 164, 279, 287
Henricus de Bouhic, 320n40
Henry, prince of Scotland, 161, 163
Henry II, king of France, 261
Henry III, king of France, xiv, 171
Henry IV, king England, 131
Henry IV, king of France, xiv, 160, 171
  assassination of, 241, 274
Henry VI, king of England, 135, 140
Henry VII, king of Germany and Holy Roman emperor, 14, 23, 27, 33
Henry VIII, king of England, 82, 83, 118
  break from Rome of, 118, 156–57, 158, 271–72
Henry of Langenstein, 211, 228
hereditary rulers, 58, 133, 151, 153, 194
  divine right and, 160, 161
  primogeniture and, 160
  Salic law and, 145
heresy: conciliar, 224
  Hus and, 106–7
  imperial, 142
  of Marsiglio of Padua, 38
  papal, 44, 217, 222, 223, 226, 229, 248
  punishment of, 42
  of William of Ockham, 224
Hermits of St. Augustine. *See* Augustinians
Hesse, 252
Hexter, J. H., 83, 85
hierarchical order, 19, 20–21, 33, 95, 101–6, 111, 201–2, 218, 223, 281
hierocratic theory, 18–21
Hillgarth, J. N., 147
Himmelfarb, Gertrude, 293n4
Hinton, R. W. K., 150
Hirsch, E. D., 293n8

historiography, periodization of
History of Greater Britain (Mair), 250
History of Italy (Guicciardini), 81
History of Political Thought in the West, A (Carlyle and Carlyle), 1–2
Hobbes, Thomas, 13, 175, 176, 240, 278, 285, 350n155
  Leviathan, 56, 187
  "old empty bottles of Gentilism," xiii, xv, 130, 292
  social contract and, 191
Hoffmann, Melchior, 124
Hohenstaufen dynasty, 14, 21
holiness, instituional vs. subjective, 281
holy orders, sacrament of, 20, 111, 218
Holy Roman Empire, 11, 15, 33, 36–50, 140
  cujus regio ejus religio policy, 253
  electoral dispute (1314), 36–37
  electors of, 193
  imperial authority source, 142
  papal relations with, 14, 22, 37, 43–44, 47–48
  reforms of, 200
Holy Spirit, 234, 281
Homme revolté, L' (*The Rebel*) (Camus), 286
Hooker, Richard, 272
Höpfl, Harro, 282, 283
Hostiensis, 143, 161, 168, 226
Hotman, François, 237, 240, 265, 267
  Francogallia, 262, 263–64
House of Commons (England), 163
How Superior Powers Oght to Be Obeyd of Their Subjects (Goodman), 254
Hübmaier, Balthasar, 125, 169
Hugh of St. Victor, 169
Huguenots, 159, 239, 282–83
  massacres of, 261–62
  monarchomachs, 270
  resistance tracts, 258, 262–68, 269
human *dominium,* 98, 104–5
human freedom. *See* freedom
humanism, 52–56, 58–61, 63–66, 91, 108, 200, 259
  early sixteenth-century political, 68–90
  Fortuna and, 73–74
  nineteenth-century denotation of term, 55
  otium vs. *negotium,* 85. *See also* civic humanism

humility, 104, 105
Hundred Years' War, 10–11, 135, 153
Hus, Jan, 106–7, 132
De ecclesia (*Concerning the Church*), 107
Husserl, Edmund, 293n8
Hussites, 107, 135, 138
Hut, Hans, 124
Hutterites, 125
Hythlodaeus, Raphael, 83–88

Iceland, 116
ideal ends, 184, 189
Ignatius of Loyola, 12
Imitation of Christ, The (Kempis), 12
imperialism. *See* empire
Incarnation, 215, 216–17
individual autonomy, 204–5
individual conscience, 113, 177–79, 206
spiritual vs. temporal relationship and, 50, 118, 219, 220
individual consent, 176
individual freedom, 196–97
individualism, xi, 279–85
political, 280, 283–84
religious, 281, 282, 283
individual subjective rights, xi, 20, 128, 173, 196, 197–98, 251, 280, 283–84
individual will, 196
indulgences, 108
infallibility dogma, 224, 236, 237, 238, 243
infant baptism, 281
"influence model" of historiography, 7
innocence, primitive state of, 91, 104
Innocent IV, Pope, 44, 94, 145
Frederick II conflict with, 22
Innocent XI, Pope, 236, 238
Inquisition, 259
Institutio christianae religionis (*Institutes of the Christian Religion*) (Calvin), 121–22, 253–54
Institutio principis Christani (*The Education of a Christian Prince*) (Erasmus), 81–82
intellectual life, 58–59, 60. *See also* humanism; scholasticism

intention, 196, 280
interdicts, 41
interiority, 196
inward "consent," 280
Ireland, xiv, 11
  Great Hunger of 18 45–52, 8
Islam. *See* Muslims
Isocrates, 52, 53, 54
Israelites, xv, 162
Italia mia (Machiavelli), 75
Italian Renaissance. *See* Renaissance
Italy, 22, 27, 33, 53–68
  political thought and, 56–68, 72–73, 80, 89–90
  representative institutions, 207
  republican decline in, 80–81
  rhetoric and, 55. *See also* northern Italian city-states; Rome
Ivo of Chartres, 213

Jacob, Henry, 349n150
Jacopo Alighieri, 27
James I, king of England (James VI of Scotland), 12, 133–34, 160
  conciliar theory and, 274, 276–77
  Oath of Allegiance (1606) and, 172, 241, 271, 273, 274, 276
  political writings of, 161–70, 172
  reputation of, 172
  speech (1616) in Star Chamber of, 167–68
  works of: *Basilikon Doron* (as James VI), 160, 163
  Meditation upon the 27, 28, 29
  Verses of the XXVII Chapter of St. Matthew, or A Patene for a Kings Inauguration, 163–64
  Speech to the Lords and Commons of the Parliament at White-Hall (1609–10), 163, 166–67, 170
  Trew Law of Free Monarchies (as James VI), 161–62, 163
James II, king of England, 134
James VI, king of Scotland. *See* James I, king of England
James of Viterbo, 14, 16, 17, 18, 96, 216, 296n80
Jansenists, 236, 272
Japan, 51
Jesuits, 237, 249, 279
Jesus. *See* Christ
Johannes Andreae, 320n40

John XXII, Pope, 16, 36, 37, 38, 44, 45, 47, 130
Marsiglio's condemnation of, 217
John XXIII, Pope, 206
John of Paris, 16, 17–19, 35, 48, 210
conciliarism and, 212, 227, 235, 237, 249, 269, 275
consent theory and, 176, 177
natural law and, 232–33
separation of spiritual from temporal and, 219, 291
Tractatus de regia potestate et papali (*On Royal and Papal Power*), 16, 62, 93, 229, 275
John of Segovia, 232, 233, 234
Johnson, Samuel (Dr. Johnson), 134
Josquin des Pres, 12
Juan II, king of Castile, 135, 138
jurisdiction, 93, 96–97, 151, 196
dominium as, 151
ecclesiastical power of (*potestas jurisdictionis*), 20, 218–19
in foro exteriori, 158
jurisdictio/gubernaculum distinction, 149–50
juris scientia vel doctrina (science of right), 189
jus gentium (law of nations), 143, 145, 181, 267
jus naturale. *See* natural law
justice, 75, 95, 266
standard of, 189
"justification by grace alone through faith," 110–11
Justinian I (the Great), Byzantine emperor, 157, 158
Corpus Juris Civilis, 130, 144
jus utendi (right of use), 97, 98

Kant, Immanuel, 13, 175, 191, 278
keys, power of the (keys of the kingdom), 20, 34, 220
Kierkegaard, Søren, 52
kingdom of God (*regnum dei*), 109, 122–23
kingdom of Satan (*regnum Satanae/regnum diaboli*), 109
"king-killers." *See* monarchomachs
King's Bench (England), 148
kingship, xiii, 10, 17, 29–31, 64, 129–71, 172–73, 201, 286–87, 290
absolute vs. ordinary powers of, 148–49, 150, 168 (see also *absoluta potestate vel de certa scientia*)
accountability of, 173
anointing (royal unction) and, 130, 131, 132, 133, 154

birthright of, 160
book collection on, 131
as bound by law, 144
as Christian office, 18, 102, 117, 123, 130, 154
civic virtues and, 75
conciliar populist threat to, 140–41, 233, 236, 238
consent basis of, 153, 173–77, 202, 214, 237, 246, 249, 255, 259, 265
as contractual relationship with subjects, 206–7
curative powers of (*see* king's touch)
development of tradition of, 11, 81, 129–71
dominium and, 96, 105, 150, 151
elective, 36, 161, 194
emergency power of, 153–54
endurance of, 134
extension/intensification of, 80–81
fifteenth-century theories of, 138, 140–41
force of law of, 143, 146
gubernaculum-jurisdictio distinction and, 149–50
hereditary, 58, 133, 145, 151, 153, 160, 161, 194
legitimate claim to, 154, 161
legitimate resistance to (*see* resistance theory)
limited, 3, 144, 197
limits on power of, 3, 143–44, 170, 197
Machiavelli's advice book for, 72–77
mankind's ideal state and, 30
mixed constitution and, 149, 150, 152–53, 173, 229
monotheistic correlation with, 29–30
moral flexibility of, 76, 77
obedience to, 114–15, 117, 161
origin and reach of, 138, 272
papal challenges by (*see* spiritual vs. temporal authority)
papal power as (*regnum ecclesiasticum*), 19, 135–37, 140–41, 142–43, 146, 155
patriarchalist understanding of, 160
plenitudo potestatis of, 16, 46, 140, 147
political rule vs., 151, 158, 178–79
potestas absoluta/ordinata of, 168
secular source of authority of, 246
superiority over priesthood of, 102, 103, 132
tyrant's qualities vs., 82, 260

unction and (*see* anointing)
virtù of, 74–75, 81–82
Wycliffe's view of, 103. *See also* Divine Right Theory of Kingship; sacral monarch; *specific countries and monarchs*
king's touch, 130–31, 133–34, 154
Kipling, Rudyard, 65
Knox, John, 253, 254–55, 270
First Blast of the Trumpet against the Monstrous Regiment of Women, the Appellation . . . to the Nobilities, Estates, and Commonalities of Scotland, 254
A Letter Addressed to the Commonality of Scotland, 254
Koran, 101
Kronungspredikan (sermon), 117
Krynen, Jacques, 132, 147

Lagarde, Georges de, 46, 223
Lahey, Stephen E., 100
Lancaster dynasty, 11, 135
Laski, H. J., 238
Latin Catholic Church: challenges to unity of, 4–7
(*see also* conciliarism; Luther, Martin; Protestant Reformation)
as church-type Christianity example, 281
citizens' temporal rights and, 156
congregatio fidelium and, 136
consent politics and, 209–39
corporate nature of, 225, 226, 228, 230–31, 232
as *corpus politicum,* 234
"derivative theory" of jurisdiction of, 20
divine basis of, 155, 209, 214, 245, 246, 247
dominium and, 94–95, 99
England and, 100, 254, 256, 258, 271, 273, 274, 276
English royal break with, 118, 156–57, 158, 271–72
as entire congregation of faithful, 223
excommunication of sinners from (*see* excommunication)
French religious wars and, xiv, 10, 11, 159, 160, 171, 261–62, 282
friar-clergy conflict and, 19, 92–102
Gregorian reforms and, 137, 139, 287, 290
hierarchical order of, 19, 20–21, 33, 95, 101–6, 111, 201–2, 218, 223, 281
human dimension of, 245
Inquisition and, 259

as invisible body elect, 100, 102, 119
Machiavelli's critique of, 77–78
mark of unity of, 224–25
order of the, 131
papal power within, 5 (*see* papacy)
potestas jurisdictionis/potestas ordinis, 20, 21, 156–57, 218–19
property of, 93, 97, 98, 99, 105, 107
providentialist optimism of, 31, 73, 187
provincial churches and, 137
representative bodies and, 231
resistance theory and, 240, 266
salvation and, 101, 102, 103
as universal, 222, 229, 266
visible and invisible, 95, 100–103, 111, 119, 124, 283, 349n150
wealth of, 100, 105, 106
Wycliffe's call for reform of, 102, 106–7. *See also* bishops; clergy; ecclesiastical jurisdiction; papacy; priesthood; spiritual vs. temporal authority
Latini, Brunetto, 63
Laudatio Florentinae urbis (*Paygyric to the City of Florence*) (Bruni), 65, 66, 73
law: absolute sovereignty and, 143, 144–46, 150, 168–69
accountability and, 179
Code of Justinian, 130, 144
coercive force and, 189, 190, 219
commentaries on, 53, 54, 144
community and, 190, 192
consent and, 174, 180, 181, 184, 191, 192–93, 195, 202, 203, 204, 220–21
free from (*legibus solutus*), 143, 145
fundamental (*leges imperii*), 145
legitimacy and, 175
Marsiglio definition of, 189–90
potestas absoluta/ordinata and, 168–69
punishment and, 197
universal, 181
virtue and, 76–77. *See also* canon law; civil law; common law; divine law; natural law
law of nations (*jus gentium*), 143, 145, 181, 267
law of nature. *See* natural law
Leff, Gordon, 101

legislator humanus, 192–93
legislator humanus fidelis, 220–21
Leipzig, 107
Lenin, V. I., 311–12n136
Leo X, Pope, 273
Letter Addressed to the Commonality of Scotland, A (Knox), 254
Levellers, 241, 282, 283–84, 285, 292, 350n155
Leviathan (Hobbes), 56, 187
Lewis, Ewart, 24
Lewis IV (the Bavarian), Holy Roman emperor, 14, 16, 36–38, 39, 187
  papal disputes with, 37, 43–44, 47, 222
lex digna, 144
lex regia, 143
Libellus apologeticus (Eugenius IV), 139
liberal arts tradition, 52
liberal theory, 327n9
liberty (*libertas*), 63, 64, 72. *See also* freedom
Lilburne, John, 207, 241, 283, 284, 285
limited monarchy, 3, 144, 197
Lincoln's Inn, 148
literature, 5, 12, 53, 55
  mirror of princes, 71, 73, 74–75, 81
living well, definition of, 188
Livy, 32–33, 74, 79
Locke, John, 278, 285, 312n10, 350nn155, 157
  First Treatise, 187
  quantitative majority concept of, 261
Lodi, Peace of (1454), 72
lordship (*dominium regale*), 98, 152, 153, 208. See also *dominium*
Louis II, king of France, 244
Louis IX, king of France, 153, 236
Louis XVI, king of France, trial and execution of, 286
Lovejoy, Arthur O., *Great Chain of Being,* 164, 165
Lucca, 58
Luke, Gospel of, 32, 33, 40
Lull, Raymond, 201
Luna, Alvaro de, 148
Luther, Martin, 5, 6, 12, 107–16, 119, 122, 126, 169
  challenge to Catholic Church of, 92, 107–8, 113
  doctrine of salvation through faith alone of, 110–11
  ninety-five theses posted by, 108, 109

nonresistance advocacy of, 115, 251–52
regnum dei vs. regunum Satanae/regunm diaboli belief of, 109
spiritual crisis of, 108–9
theopolitics of, 1, 110–16, 117, 118, 119, 120, 123, 156, 159, 160, 251
zwei Reiche Theorie of, 1, 112, 114, 115
works of: *An den christlichen Adel deutscher Nation* (*To the Christian Nobility of the German Nation*), 108, 113
De captivitate Babylonica Ecclesiae (*On the Babylonian Captivity of the Church*), 108, 114
De servo arbitrio (*On the Bondage of the Will*), 100
Ermahnung zum Frieden (*Admonition to Peace*), 115
Von dem Papstum zu Rome (*On the Papacy at Rome*), 108
Von der Freiheit eines Christenmenschen (*On the Freedom of a Christian*), 108
Von weltlicher Obrigkeit, wie weit man ihr gehorsam schuldig sei (*Of Temporal Authority: To What Extent It Should Be Obeyed*), 115
Wider die rauberischen und mörderischen Rotten der Bauern (*Against the Robbing and Murdering Hordes of Peasants*), 115
Lutheranism, 6, 92, 107, 114, 116–17, 123, 156, 251, 252
Holy Roman Empire and, 253
resistance doctrine and, 241, 258, 265
strict spiritual-temporal separation and, 116–17, 118

Macbeth (Shakespeare), 133
Machiavelli, Niccolò, 56, 68–80
Erasmus's views, 82
moral stance of, 78–79
originality of, 79–80, 80
on *virtù*, 75–78
works of: *Dell'arte della guerra* (*The Art of War*), 76
Discorsi sopra la prima deca di Tito Livio (*Discourses on the First Ten Books of Tito Livy*), 68–69, 70–72, 74, 75, 76, 78, 80
Florentine Histories, 69–70
Italia mia, 75
Il principe (*The Prince*), 68–78, 80, 82, 89–90
MacPherson, C. B., 349n144, 349–50n155
Magisterial Reformers, 5–6, 124, 127, 128. *See also* Calvin, John; Luther, Martin; Zwingli, Huldreich
Mainardini, Marsiglio of. *See* Marsiglio of Padua
Mair, John, 180, 232, 235, 244, 245, 247–52, 257, 258, 259, 265,

269, 270, 271, 275, 280
Disputatio de auctoritate concilii (*Disputation Concerning the Authority of the Council over the Supreme Pontiff*), 245, 247–48
History of Greater Britain, 250
Maistre, Joseph de, 209
Maitland, Thomas, 259–60
majestas (sovereignty), 144–45
majority rule, principle of, 203–4, 261
Mantova, Marco, 341n8
Maret, Henri, 243–44
Du concile général et de la paix religieuse, 243–44
Margotti, Giacomo, 236
Mariana, Juan de, 81, 240
Marrou, H. J., 53
Marsiglio of Padua, 16, 37–44, 46–47, 49, 113, 208, 212–22, 225, 334n124, 336n19, 337n49
consent theory of, 1, 176, 177, 181–96, 199, 203, 204, 211, 213, 231
on emperor-pope relationship, 38–44, 46, 219–20, 222
excommunication of, 37, 38
imperialist theory and, 39, 185
influence of, 211
principled and radical stand of, 43–44
republicanism of, 39, 63, 184–95, 222
works of: *Defensor minor* (*The Lesser Defender [of the peace]*), 38, 39–40, 42, 43, 192–93, 221
Defensor pacis (*Defender of the Peace*), 16, 37, 38, 39, 40, 42, 56, 96, 181–95, 211–17, 220, 222
De translatione imperii (*On the Transfer of the Empire*), 38, 39
Martin V, Pope, 136, 138
Martinus Polanus: *Chronicon pontificum et imperatorum,* 213
Pseudo-Isidorean Decretals, 213
Martyr-Vermigli, Peter, 253
Marxist communism, 90
Mary, Queen of Scots, 254, 259
marriage to Francis II of, 262
Mary I (Mary Tudor), queen of England, 254, 255, 258, 272
Massimo, Girolamo, 341n8
materiality, 318n2
Matthew, Gospel of, 20, 117, 247
Matthjis, Jan, 124, 126

Maultrot, Nicholas, 272
Maximes du droit politique français (1772), 272
Maxwell, John, bishop of Tuam, 237
Sacro-sancta Regum Majestas (*The Sacred and Royal Prerogatives of Christian Kings*), 237
Mazzoni, Francesco, 27
McGrade, A. S., 47
McIlwain, Charles H., 17, 149–50, 163, 238
means, proximate, vs. ideal ends, 184
medical studies, 54
Medici, Cosimo de, 65
Medici, Lorenzo de, 68, 70
Medici, Piero de, 68
Medici family, 68
"medieval" (as term), 61. *See also* Middle Ages
Meditation upon the 27, 28, 29
Verses of the XXVII
Chapter of St. Matthew, or A Patene for a Kings Inauguration (James VI), 163–64
Melanchthon, Philipp, 253
doctrine, 116
Melchiorites, 125
mendicant friars, 44
dispute with clergy of, 19, 92–102
papal privileges of, 19, 97. *See also* Dominicans; Franciscans
Mennonites, 125
mercenary army, 73, 84, 87
Merovingians, 38, 131
Mersenne, Marin, 12
Mey, Claude, 272
Mézières, Philippe d', 146
Michael of Cesena, 37, 38, 45
Michelangelo, 12
Middle Ages: ascetic ideals, 58
emergence of consent, 174, 285
"medieval" as term, 61
notion of Fortune, 73
secularization process, 50, 288, 290
as seedbed of Western political thought, xi
Milan, 59, 185
Mill, John Stuart, 293n4

Milton, John, xv, 240
Minogue, Kenneth, 349n144
miracles, 32–33. *See also* king's touch
mirror of princes literature, 71, 73, 74–75, 81
mixed constitution, 149, 150, 152–53
components of, 229
theory of, 153
"modern" (as term), 61
modernization, 289
modern society, 61
Moeller, Bernd, 120
Mohacs, battle of (1526), 1
Molière, 12
Molina, 240
monarch. *See* absolute monarchy; kingship; papacy; sacral monarch; tyrant
Monarchia (Dante), 26–27, 28, 33–36
commentaries on, 36
Monarchia sive Tractatus de potestate imperatoris et papae (*Monarchy: A Treatise Concerning the Power of the Emperor and Pope*) (Roselli), 141–42
Monarchia S. Romani Imperii (Goldast), 275
monarchomachs ("king-killers"), xiv–xv, 171, 237, 259, 260, 269, 270, 278, 286. *See also* tyrannicide
monotheism, 30
moral autonomy, 279, 280
moral ideal, 281
morality, 76, 78–80, 82, 91
moral philosophy, 55, 280
moral virtù. See *virtù*
More, Sir Thomas, 12, 82–89, 272
"Dialogue of Counsel," 83, 85–86, 87
execution of, 82–84
Utopia, 1, 83–89, 90
Morison, Richard, 158
Exhortation to styrre all Englyshe men to the defence of theyr countrye, 158
Mornay, Philippe du Plessis, 239, 258, 261, 262, 263–68, 290
Vindiciae contra tyrannos (*A Defence of Liberty against Tyrants*) (attrib.), 258, 261, 263–68
mortal sin. *See* sin

Morton, John, Cardinal, 85, 86
Moses, 33
Mühldorf, battle of (1322), 36
Munster, 122–23, 126
Müntzer, Thomas, 12, 123, 126
Murray, R. H., 238
Muslims, 51, 101
mysticism, 12, 125
mysticum vs. *politicum,* 233–34

Najemy, John M., 67
Naples, xiv, 11, 148
nation-state. *See* state
natural causes, 291
natural *dominium,* 104–5
natural law (*jus naturale*), 3, 112, 128, 138, 143, 154, 155, 181, 201, 222
  conciliarist grounding in, 232–33, 235, 245, 248, 250
  consent of governed and, 202–3, 249, 259, 265, 279
  as resistance basis, 250, 253, 259, 266, 267
  theories of, 182–83, 198–99, 246
natural order, 204
natural rights, 183, 196–97, 198, 251, 349n144
  equality of, 203
  Overton invocation of, 283–84
natural sciences. *See* science
Nebuchadnezzar's dream, 123
Nederman, Cary, 39–40, 186, 301nn112–13, 129
Neoplatonism, 201
Netherlands, 6, 12, 123, 124, 125, 176, 204
  Calvinism and, 252
  constitutionalist tradition of, 240, 268–69, 279
  republicanism and, 3
  successful revolt against Spain by, 269
New Jerusalem, 123
New Testament, 108, 115, 116, 117, 123, 125, 156, 159, 196, 197, 218, 287, 290
  as individual holiness influence, 282
  Luther's political views based on, 108, 110, 113, 251
  Marsiglio's conciliarism and, 213, 217. *See also* Paul, St.; *specific gospels*

Nicaea, Council of (325), 225
Nicene Creed, 224
Nicholas III, Pope, 94
Eriit qui seminet (decretal), 44
Nicholas of Clamanges, 131, 273
Nicholas of Cusa, 11, 176, 177, 199–204
conciliar theory and, 211, 212, 229, 230, 235, 273
consent and, 199–204, 211
natural law and, 232–33, 250
works of: *De concordantia catholica* (*The Catholic Concordance*), 200–204
De docta ignorantia (*On Learned Ignorance*), 200, 201
Nicolas of Autrecourt, 12
Nicole Oresme, 146, 208
Nicoli, Niccolò, 64
ninety-five theses (Luther), 108, 109
nobility, 100
northern Europe: adverse climate events in , 8–9
consent theory and, 199–208
continuance of conciliar theory in, 243
economic recovery of, 9
intellectual/educational achievements of, 54
mirror of princes literature of, 81
Renaissance in, 12, 80
sacral kingship and, xiv. *See also* Protestant Reformation; *specific countries and rulers*
northern Italian city-states, 22, 26–27, 137, 176
consent and, 179, 181, 199, 207
humanistic education and, 55
papal temporal power and, 185
politics and, 73
republicanism and, 2, 3, 56, 57, 58, 59–60, 63, 65, 184–85, 194. *See also* Florence; Venice
nostalgia, politics of, 14–15, 16–17
notaries, 54–55
Numa Pompilius, 8
Nuremberg, imperial court of, 37

Oath of Allegiance of 1606 (England), 172, 241, 271, 273–76
obedience, 6
divine requirement of, 156, 158, 159, 161

limits to, 205, 206
Obedience of a Christian Man and How Christian Rulers Ought to Governe, The (Tyndale), 117–18
obligation, politics of virtue vs. politics of, 50
Ockham. *See* William of Ockham
Octo qaestiones de potestate papae (*Eight Questions on the Power of the Pope*) (William of Ockham), 46, 197
Oecolampadius, Johannes, 118
Old Testament, 157, 169, 170, 282, 290
Opus nonaginta dierum (*Work of Ninety Days*) (William of Ockham), 46
Oratio (Sampson), 157
orators. *See* rhetoric
ordained power (*de ordinata potestate*), 143, 144
order, power of. See *potestas ordinis*
Order of Augustinian Hermits. *See* Augustinians
Order of Friars Minor. *See* Franciscans
order of the church (*ordo in ecclesia*), 131
ordinary power, absolute power vs., 143, 145, 150, 156–57, 160, 161, 168–69, 170
oriflamme (French royal standard), 132
original sin, 91, 95, 98, 100, 104, 105, 109, 112, 215. *See also* sin, politics of
Orleans, 54
Orosius, 31
Otium ideal, 58
Otto III, Holy Roman emperor, 38
Ottoman Turks, 11, 135
Otto of Freising, Bishop, *Gesta Frederici Imperatoris* (*Deeds of Frederick Barbarossa*), 57–58
Ourliac, Paul, 242
Overton, Richard, 241
An Arrow against all Tyrants, 283–84
Owen, David, 237, 270, 276
Owenite socialism, 90
ownership, right of. *See* property
Oxford University, 96, 106

Padua, 37, 58, 65, 185
Pagden, Anthony, 66
Palestrina, Giovanni Pierluigi da, 12

Panormitanus, 233, 234, 273, 320n40
papacy, xv, 14–50
absoluta potestate vel certa scientia of, 143, 145, 146
all-encompassing power of, 17, 18, 20–21, 33, 34, 216, 225, 275
anointment and coronation of, 200–201
apostolic poverty and, 38
battle over reach of, 275
canonical arguments for limitation of, 22, 93–94
canonical-based power of, 20
cardinals' power and, 229–30, 249
conciliar challenges to (*see* conciliarism); corporate association of church members vs., 224, 226–27
corruption and, 34, 108
Dante's challenge to, 28
demythologizing of, 19, 136–37, 218
disputed election/rival claims to (1378), 4–5, 10, 224, 228 (*see also* Great Schism of the West); divine basis of, 24, 142, 155, 224, 225, 255
dominium claim of, 94, 95, 216
election of individual popes and, 198, 222, 230
English monarch's break with, 118, 156–57, 158, 271–72
English Oath of Allegiance (1606) and, 273–75
excommunication power of, 37, 48, 155, 156, 271, 273–74
exile from Rome of (1309–77), (*see* Avignon papacy); French assault on (1303), xiii, 16, 17, 238
Gansfort treatise on, 205–7
Golden Bull (1356), diminishment of, 22
Haec sancta superiority decree and, 243
heresy and, 44, 217, 222, 223, 226, 229, 248
hierocratic theory and, 18–21
illegitimate claim by John XXIII to, 206
indulgences traffic and, 108
infallibility dogma of, 224, 236, 237, 238, 243
judgment/removal of individual pope and, 229, 248, 249, 250
jurisdiction superiority of council to, 272
kingly and priestly status of, 178
Marsiglio's condemnation of, 215–17
mendicant privileges and, 19, 94, 97, 100
monarchical absolutism of, 6, 19, 34–35, 135–38, 140–43, 145, 146, 154–55, 157, 225, 236, 242
monarchical alliances with, 233

Ockham's critique of, 223–24
plenitudo potestatis of, 16, 41, 46, 140, 147, 161, 219, 230
post-conciliar "restoration" of, 154–55
potestas absoluta et potestas ordinata of, 143, 145, 153–54, 156–57, 161
potestas jurisdictionis of, 20, 218–19
potestas spiritualis summa of, 237
relationship with entire church of, 17, 19, 93, 231
restraints on power of, 5, 18–21, 41, 137, 143–44, 197, 218–19, 228, 231, 234
thirteenth-century imperialism of, 33
ultramontanism and, 236, 242
Venetian Interdict of 1606 of, 241, 274, 276
Wycliffe questioning of, 102. *See also* ecclesiastical jurisdiction; spiritual vs. temporal authority; *specific popes*
Paradiso (Dante), 34
Paris, 54, 248–49, 259, 270. *See also* University of Paris
Paris divines. *See* Sorbonnists
Parker, Robert, 277
Parliament (England): conciliar precedent and, 277–78
consent and, 208, 255
constitutionalism and, 173, 239
House of Commons, 163
Oath of Allegiance requirement and, 273
reach of royal power vs., 168, 238
resistance theory and, 250
Parliament (Scotland), 162–63
parliamentary theory, 239. *See also* representative institutions
pars principans (ruling part), 193, 194
Pascal, Blaise, 52
Pastor aeternus decree (1516), 243
Patriarcha (Filmer), 160, 171
patriarchalist kingship, 160
Patrizi, Francesco, 71, 73, 74–75
Paul, St., 41, 113, 158, 162, 287
Epistle to the Corinthians, 197
Epistle to the Romans (13:1–7), 110, 113, 115, 123, 156, 159, 251
Paul V, Pope, 155–56, 273–74
Paulus Orosius, *Histories,* 31
paupertas. *See* poverty
peasant revolts, 11, 135

Peasant's War (1524–25), 114–15, 122, 123, 251
Peckham, John, archbishop of Canterbury, 94
Pelagius (c. 354–418), 100
Pelagius (1280–1352). *See* Alvarus Pelagius
penance, 96, 219, 220
Pennington, Kenneth, 19
Pepin, Carolingian king, 38
periodization of history, 61
Perkins, William, 169
Perron, Jacques Davy du Cardinal, 172, 274
  Oration of 1614, 275
Peter, Gospel of, 113, 117, 251
Peter, St., 35, 46–47, 218, 225, 246
  divinity of Christ and, 40, 93
  papal succession from, 20, 34
  power of the keys and, 20, 34, 220
Peter Damiani, 52
Petrarch, Francesco, 58, 61, 62, 73, 75, 136
Petri, Olaus, *Svenska Kronik,* 117
Philip II, king of Spain, 269
Philip IV, king of France, 16, 17
Philo Judaeus, 29, 33
philosophy, 11–12, 51–56
  scholastic studies in, 53–54
Piccolomini, Aeneas Sylvius, 140, 141, 273
  De gestis concilii Basiliensis Commentariorum, 272. *See also* Pius II, Pope
Piero da Monte, 139, 140, 141
Pighius, Albertus, 184
Pilate, Pontius, 32
Pisa, 58, 65
Pisa, *conciliabulum* of (1511–12), 210, 212, 241, 244, 247, 270
Pisa, Council of (1409), 210, 227, 231, 273
Pius II, Pope, 242–43
  Execrabilis (bull), 243. *See also* Piccolomini, Aeneas Sylvius
Pius V, Pope, *Regnans in excelcis* (bull), 155
plague, 8, 9
Plantagenets, 134
Plato, 52–53, 54, 87, 104, 259
  Timaeus, 165
Platonism, 201

plenitudo potestatis (papal "fullness of power"), 16, 41, 46, 140, 147, 161, 219, 230
Plessis, Philippe Mornay du. *See* Mornay, Philippe du Plessis
Plutarch, 74
Pocock, J. G. A., 3, 57, 66
poetry, 55
Poland, xiv, 9, 11, 135
Pole, Reginald, Cardinal, 158, 271
polis, 23, 129, 290
politia ecclesiastica, 5, 18, 208
  politics of consent and, 209–39
politia saecularis, 18, 172
  politics of consent and, 172–208
political freedom. *See* freedom
political languages, 65–66
political thought, xiv, 4, 12–15, 19
  Baron thesis and, 60–61
  civic humanism and, 2, 56–57, 69–70
  conciliar legacy to, 233, 236–39
  continuity of, x
  contractarian tradition and, 206–7, 278–79
  convergent religious forces and, 6–7
  desacralization of, 291–92
  Erasmus and, 81–82
  humanist ideas and, 56–90
  ideal ends vs. proximate means and, 184
  individualism and, 280, 283–84
  James I of England and, 161–70
  Latin Middle Ages as seedbed of, xi
  Luther and, 111–16, 156
  Machiavelli and, 68–70, 74–80
  Marsiglio of Padua and, 185–86, 187, 189, 213–14
  natural law and, 138
  princely rule and (*see* kingship); Protestant Reformation and, 6, 119–27, 282
  respiritualization of, 95
  watershed of, 239, 240–85. *See also* conciliarism; consent; constitutionalism; republicanism
politics of sin. *See* sin, politics of
politics of virtue. *See* virtue, politics of
Politique tirée des propres paroles de l'écriture Sainte (Bossuet), 171

Poliziano, Angelo, 65
Ponet, John, exiled bishop of Winchester, 153, 260, 268, 272
A Shorte Treatise of Politicke Power and of the True Obedience Which Subjectes Owe to Kynges and Other Civile Governours, 254–58, 259
"Whether It Be Lawfull To Depose an Evil Guvernour, and Kill a Tyrant," 255
Pontano, Giovanni, 73
pope, power of. *See* papacy; spiritual vs. temporal authority; *specific popes*
popular consent, 181, 194–95
popular sovereignty, 185, 199, 238
Portugal, xiv, 11, 135
possesio (possession), 97, 98. *See also* property poststructuralism, 7
potentia dei absoluta et ordinata (power of God), 161, 217
civil law and, 168–70
potestas absoluta/potestas ordinata (power of popes, emperors, and kings), 145, 153–54, 156–57, 161
distinction between, 143
potestas jurisdictionis (power of jurisdiction), 20, 218–19
in foro exteriori (external government power), 157, 219
in foro interiori (internal power of conscience), 219, 220
potestas ordinis (power of order), 20, 21, 156–57, 218–19, 220
potestas regiminis (power of coercive government), 20, 219
potestas spiritualis summa (highest spiritual power), 237
poverty, 41–42, 44, 104, 218, 220
apostolic doctrine of, 38, 97, 100, 217
evangelical, 105
Franciscan meaning of, 97, 98, 217
mendicant view of, 97, 100
obligation of, 44
power of attorney, 174
power of order vs. power of distinction, 218–19
power of the keys, 29, 34, 220
predestination. *See* elect, the
Preston, Thomas, 276, 277
priesthood, 40, 41, 92, 93, 103, 191–93, 194
consent and, 214–15
divine mission of, 214
king's status and, 132
Marsiglio's definition of nature of, 218–20
potestis ordinis of, 20, 21, 156–57, 219, 220

poverty and equality among, 220
power accumulation by, 214–15
primary authority of, 220
as reflection of Christ's humanity, 132
sacrament administration by, 101, 102, 106, 156, 157, 220
sacrament of holy orders and, 20, 111, 218
Wycliffe's view of, 101–2
primogeniture, 160
primordial sin. *See* original sin
Prince, The (Machiavelli), 68–78, 80, 82
successive interpretations of, 89–90
princeps legibus solutus est (prince is above the law), 143, 146
princes. *See* kingship
Principe, Il (Machiavelli). See *Prince, The* property, 61, 88, 91, 145, 150
of church, 93, 97, 98, 99, 105
of individuals, 99, 104, 105, 283
moral and intellectual legitimacy of, 93–94
private right to, 197
secularization of, 107
Proposcio (Fitzralph), 97
Protestant Reformation, xi, 5–7, 10, 11, 251–52
church-state separation and, 5–7, 50, 116–18, 125, 281–82, 290
consent theory and, 280
contribution of, 6–7
Magisterial Reformers and, 5–6, 124, 127, 128
pluralism and, 118
politics of sin and, 107–27
Radical Reformers and, 6, 107, 118–27, 125, 281–82
revolutionary effects of, 159–60, 290
scriptural theologies and, 92
secularizing forces and, 50, 290
shattering of Christian unity from, 50. *See also* Calvin, John; Luther, Martin; Zwingli, Huldreich
Protestants: church-style Christianity and, 281
conciliarism and, 237–38, 239, 276
exiles from England, 254
French violence against, 261–62 (*see also* Huguenots); reformed vs. evangelical, 120–27
right to rebellion and (*see* resistance theory); sect-style Christianity and, 281

secular constitutionalism and, 239, 241. *See also* Anabaptists; Calvinism; Church of England; Lutheranism; Puritans; Separatists
providentialist optimism, 31, 73, 287
Prynne, William, 258, 272, 277–78
Pseudo-Dionysius, 95, 201
Pseudo-Isidorean Decretals (Martinus Polanus), 213
Ptolemy of Lucca, 62, 151–52, 176, 177–79
De regimine principum (*On the Government of Rulers*), 62, 151–52, 177–78
punishment, 197, 203
Puritans, 133, 169, 237, 281

Quillet, Jacqueline, 185
Quintilian, 52
Quo elongati (papal bull), 44

radical politics, 269–70, 284, 285
Radical Reformation, 6, 107, 118–27
  Anabaptists and, 116, 118, 122, 123–26, 169
  sectarianism and, 281–82
reason, 112, 224
rebellion. *See* resistance theory
redemption, 2, 32, 90, 104, 110, 215, 287
Reformation. *See* Protestant Reformation
Reformed Protestantism. *See* Calvinism
regal sacrality. *See* sacral monarch
Regnans in excelcis (Pious V bull), 155
regnum dei (kingdom of God), 109, 122–23
regnum ecclesiasticum (monarchical papal head), 19, 135–37, 140–41, 142–43, 146, 155
regnum Italicum. *See* northern Italian city-states
regnum-sacerdotium relationship. *See* spiritual vs. temporal authority
regnum Satanae/regnum diaboli (kingdom of Satan), 109
Religious Peace of Augsburg (1555), 252, 253
religious wars (France). *See* Wars of Religion
Renaissance, 2, 12, 54, 55, 56, 59, 80
  republican institutions and, 129–30, 185
  twentieth-century political scholarship on, 57
  virtù vince fortuna motto of, 74. *See also* humanism
repentence, 196
repraesentat personam Petri (representing person of Peter), 20
representative institutions, 147, 148, 149
  conciliarism and, 235
  emergence throughout Europe of, 174, 197, 254
  as expression of consent, 203, 204, 207–8, 209, 213, 255, 280
  papal power and, 231
  parliamentary theory and, 239
  sacral kingship vs., 154. *See also* Estates-General; Parliament
republicanism, xv, 1, 2–4, 57–67, 84
  classical, 2–3, 56, 57, 68
  consent and, 177, 178–79, 184, 207
  corruption of, 70
  decline of, 80–81
  England and, 2, 3–4
  imperialist, 65; "Machiavellian Moment" of, 56, 69
  Marsiglio *Defensor pacis* and, 39, 184–95, 194, 222

northern Italian city-states and, 2, 56, 57–68, 80, 194
Ptolemy of Lucca and, 177, 178–79
sacred monarch and, 129–30
resistance theory, 11, 122, 125, 135, 251–70, 279
Calvinism and, 239, 240, 241, 252, 262, 267, 269–70
conciliarism as precedent for, 257, 259, 264, 268–69, 272, 277–78, 285
consent and, 246, 249, 255, 265
constitutionalism and, 240–41, 250, 262–63, 265, 277
Huguenot tracts on, 248, 262–68, 269
as king's divine right against papal temporal intrusion, 118
legitimacy of, xiv, 5, 6, 126–27, 128, 156, 173, 238–41, 246, 249–52, 255–59, 263, 264, 265, 267–70
Lutheranism and, 241, 258, 265
Luther's initial condemnation of, 115, 251–52
strict conciliar theory and, 231. *See also* monarchomachs; tyrannicide
Respublica Romana. *See* Roman republic
Restoration, English (1660), 134, 171
Reveille Matin, La (anon.), 262
revelation: Christian belief based on, 169, 214
philosophical reason vs., 51–52
revolution. *See* resistance theory
Revolution of 1399 (England), 135
Revolution of 1688 (England), 278
rhetoric, 52–56, 63, 66, 67, 70
Ricci, P. G., 28
Richard II, king of England, 132–33, 135
Richard II (Shakespeare), 133
Richer, Edmond, 232, 348n127
De ecclesiastica et politica potestate, 275
right, doctrine of, 189
right of use, 97, 98
rights, 149, 156
to consent, 199, 249. *See also* individual subjective rights; natural rights; resistance theory
Riley, Patrick, 278
Roger of Waltham, *Compendium moralis philosophiae,* 151
Roman antiquity, 52, 53, 71, 290
Fortuna and, 73–74
Latin authors and, 54

rhetoric and, 53, 54–55
virtù and, 77–78. *See also* Roman empire; Roman republic
Roman Catholic Church. *See* Latin Catholic Church
Roman empire, 22, 23, 28, 31–33, 38, 61
Christians and, 31, 220–21, 287
Code of Justinian and, 130, 144
consent of governed and, 179, 198, 199
divine intervention and, 33
Florentines as heirs to, 65, 67
hand of God and, 59
reach of power of, 198
reasons for rise to greatness of, 76–77
sacralization of, 33, 34, 130, 287
virtue mixed with fortune and, 74
Roman law, 174, 196, 199, 207–8, 252
Roman republic, 59, 61, 62, 64, 69, 78, 129
moral values of, 79–80
Romans, Epistle to the, 13:1–7 (St. Paul), 110, 113, 115, 123, 156, 159, 251
Roman school theologians, 21
Rome (city), 22, 37–38, 80
Dante on sacrality of, 33
Emperor Lewis IV crowning in, 37
papal exile from (*see* Avignon papacy)
Romulus, 78
Roselli, Antonio de, 139, 141–44, 145, 146–47, 168
Monarchia sive Tractatus de potestate imperatoris et papae (*Monarchy: A Treatise Concerning the Power of the Emperor and Pope*), 141–43
Rossaeus, 237
Rothmann, Bernard, 123
Rousseau, Jean-Jacques, 278
Roy, William, 117
royal absolutism. *See* absolute monarchy
royal sacrality. *See* sacral monarch
royal touch. *See* king's touch
royal unction. *See* anointing
Russia, xiv, 11, 287
Rutherford, Samuel, 277–78, 285
Sabine, G. H., 238
Sacchi, Bartolomeo, 73
sacral monarch, xiii, xiv, xv, 2, 29–35, 128–34

curative powers of , 130–31, 133–34, 154
desacralization of, 286–92
as Divine Right theory basis, 159, 161–62
divine source of, 102, 103, 106, 118, 132, 142, 148, 154, 156, 200–201
James I view of, 160–71
papacy as, 135–36
resistance against papal tyranny of, 118
sacraments: of anointing, 130, 131, 132, 133, 154, 200
of holy orders, 20, 111, 218
Luther's view of, 111
official channels of, 95, 101, 102, 106, 157
penance and, 96, 219, 220
potestas ordinis and, 156–57, 218, 220
Sacred Canopy, The (Berger), 288
Sacro-sancta Regum Majestas (*The Sacred and Royal Prerogatives of Christian Kings*) (Maxwell), 237
Salamonio, Mario, 259
Salic law, 145
Sallust, 62
Salmon, H. J. M., 261
The French Religious Wars in English Political Thought, 269
Salutati, Coluccio, 60, 62, 64, 65, 66, 72, 73
salvation, 32, 34, 103
economy of, 100, 102
free will and, 124
by grace alone through faith, 101, 109, 110–11, 112, 113, 119
through works, 108, 111
Sampson, Richard, *Oratio,* 157
Samuel, Book of, xv
Sannazaro della Ripa, Gianfrancesco, 341n8
Saravia, Hadrian, 160
Sarpi, Paolo, 155, 209, 274, 276
Trattato del Interdetto della Santità di Papa Paolo V, 275
Satan, 114, 115
kingdom of God vs. kingdom of, 109
Sattler, Michael, 125, 126
Savonarola, Girolamo, 12, 177
Saxony, 252
Saxony, Duke of, 123
Scandinavia, 8, 252

Schleitheim Confession (Anabaptist principles), 125
Schmalkaldic League, 252, 253
scholasticism, 52, 53–54, 56, 62–63, 70, 91
consent theories and, 176, 237
constitutionalism and, 207–8, 239, 241, 265, 269
monarchomach arguments and, 259
representative institutions and, 207–8
Schwab, Johannes, 212
science, 11–12, 52, 53
Scotland, xiv, 6, 11
Calvinism and, 126, 252, 258–59, 262
conciliar theory and, 5, 276
constitutionalism and, 241, 279
Divine Right theory and, 160, 161–70
as *dominium politicum et regale,* 162–63
Protestant popular resistance and, 254–55, 270
Scriptures. *See* Bible; New Testament; Old Testament
scrofula ("king's evil"), 130
Second Vatican Council (1962–65), 21
sect-type Christianity, 125, 281, 281–82
definition of, 281
secular clergy. *See* clergy
secularization, 59, 61, 62, 137–38, 286–92
classic thesis of, 288–91
constitutional thinking and, 5–6
sedition, 122
Selden, John, 240
selfhood, notion of, 280
self-legislation, 195
semper peccator, semper justus (always a sinner), 112
Separatists, 124–25, 126, 283–84, 292
serenissima repubblica. *See* Venice
Sermon on the Mount, 281
Shakespeare, William, 12
Macbeth, 133
Richard II, 133
Shaw, Prue, 28
Sheldon, Richard, 276–77
Shogimen, Takashi, 103
Shorte Treatise of Politicke Power and of the True Obedience Which Subjectes Owe to Kynges and Other Civile Governours, A (Ponet), 254,

255, 259
Sienna, 58
Siete Partidas (law book), 148
Sigismund, Holy Roman emperor, 142
Sigmund, Paul, 181
Simons, Menno, 125
sin, politics of, 92–127
adult baptism and, 126
dominium and, 93–107, 150
excommunication and, 41–42
penance and, 96, 219, 220
political authority and, 91
potestas jurisdictionis in foro interiori and, 219, 220
Protestant Reformation and, 107–27
resistance to authority and, 6, 115
righteousness and, 112. *See also* original sin
Singleton, Charles, 27
Skinner, Quentin, xii, 12, 63, 72, 238, 251, 259, 260, 269–70, 308n84, 310n118, 311n130
Smalley, Beryl, *Study of the Bible in the Middle Ages,* 36
Smith, Sir Thomas, 310n118
social contract, 191, 278
socialism, 90
Socrates, 52
Socratic dialogue, 259–60
Soderini, Piero, 68
sola scriptura (Scripture alone), 101
Sommerville, John, 318n1
Sorbonnists (divines of Paris), 19, 21, 232–33, 237, 241
conciliarist writings of, 270, 274, 275
sovereign divine will, 165–66
sovereignty (*majestas*), Bodin definition of, 144–45
Soviet Union, 311–12n136
Spain, xiv, 11, 15, 80, 81, 207, 225
constitutionalism and, 279
law and, 168
monarchy and, 135, 146, 147–48, 161, 243
Netherlands revolt against, 269
Sparta, ephors of, 253–54, 267
speculum principis. *See* mirror of princes literature
Speech to the Lords and Commons of the Parliament at White-Hall (James

I, 1609–10), 163, 166–67, 170
spiritual realm, 112, 114, 117–18, 136–38
spiritual vs. temporal authority, x, 4, 14, 16–24, 36–50, 95
Anabaptists and, 126
Augustinian hermits and, 91
blurred distinction between, 291–92
Calvinism and, 120–27
coercive jurisdiction and, 219
communalist tradition and, 120
Dante on, 22–23, 27, 34–36
developing constitutionalist strain and, 16
differences between, 245–51
divided *dominium* and, 94–95, 98, 104–5, 150–52
divine source of both, 142
early medieval intermingling of, 290
early Roman Christians and, 32
English monarch's superiority and, 103, 118, 137, 156–58, 271–72
geistliche Reich vs. *weltliche Reich* and, 112, 114, 116
Gregorian reforms and, 287–88
Holy Roman emperors and, 2, 14, 22, 23, 27, 33, 36–37, 43–44, 47–48
individual conscience and, 50, 219, 220
John of Paris demarcation of, 219, 291
kingship vs. priesthood and, 102, 103, 132
Luther's distinction between, 112, 113, 114–17, 118, 156
Marsiglio view of, 38–44, 46, 217–22
national/territorial churches and, 137–38
northern Italian city-states and, 185
papal supremacy and, 18, 34–35, 95, 135–36, 143, 145, 146, 154–56, 157, 216, 225, 236, 256–57, 271, 273–75
parallels between, 35, 140–43, 234
potestas absoluta/potestas ordinata and, 143, 145, 153–54, 156–57, 161
power of property and, 93–94, 197
Protestant Reformation and, 5–7, 50, 116–17, 118, 125, 281–82, 290
reciprocity and, 291–92
sacramental power and, 130, 133, 156–57
secularization and, 59, 61, 62, 137–38, 280, 286–92
separate sources of, 245–51
separation of, xii–xv, 49, 50, 112, 114, 116, 117–18, 126, 157,

289–91
temporal authority and, 2, 117–18, 128, 156, 158, 176, 203, 205, 206–7
three central issues of, 17–19
two vicars of Christ and, 102
Tyndale's distinction between, 117–18
ultramontanism and, 236, 242
William of Ockham's distinction between, 44–49. *See also* absolute monarchy; conciliarism; consent; constitutionalism; resistance theory; sacral monarch
Standonck, Jean, 249
St. Andrews University, 259
St. Bartholomew's Day massacre (1572), 261, 262
St. Denis, abbey church of, 286
St. German, Christopher, 157, 211, 212, 271–72
Starkey, Thomas, 90, 157, 211, 212, 271, 272, 310n118
state, x, 11
maintenance of, 73
power of, 157, 219
power vs. authority of, 175
Stieber, Joachim, 233
Stoics, 58, 203
Stokesley, John, 271
Strasburg, 119, 120, 121, 254
Strauss, Leo, 349n144
Strempinski, Thomas, 233, 234
strict conciliar theory, 231–35, 249
Strozzi, Nanni, 66, 73
Stuart dynasty, 134, 160, 168. *See also* Charles I; James I
studia humanitatis/studia humaniora. *See* humanism
Study of the Bible in the Middle Ages (Smalley), 36
subjective holiness, 125, 282
subjective rights. *See* individual subjective rights; natural rights
Summa de potestate ecclesiastica (Summary Account of Ecclesiastical Power) (Augustinus), 17, 20, 21
Summa de questionibus Armenorum (A Summary Account of the Armenian Questions) (Fitzralph), 96, 98
supernatural, 95
Supplication. . .unto the Most Gracyous Prynce Henrye the Eyght, A (Barnes), 117
Sutcliffe, Matthew, 273, 276

De conciliis, 273
Svenska Kronik (Petri), 117
Sweden, 11, 107, 116–17
Swiss Brethren, 124, 125
Switzerland, 119, 120, 123, 124, 125, 252
synodal church government, 277

tacit consent, 180, 204
Taverner, Richard, 157, 158
Garden of wysdomme, 158
teleology, 24–25, 39
temporal authority: common consent to, 176, 203
legitimate exercise of, 128, 156, 176, 206–7
limits to, 205
obedience to, 158, 206
papal and prelate intrusion into, 117–18 (*see also* kingship; spiritual vs. temporal authority)
Terrevermeille, Jean de, 132
Tertullian, 52
Thirty Years' War, 11
Thomism. *See* Aquinas, Thomas
Thompson, Martyn P., 282, 283
thoughts, acts vs., 188–89
three estates, 152, 250
Tiberius, emperor of Rome, 32
Tierney, Brian, 198, 226, 336n14, 351n18
Tillyard, E. M., *Elizabethan World Picture,* 164
Toledo, Councils of (5th–7th century), 225
toleration, 50
Tondriau, 130
Torcello, 177
Torquemada, Juan de, 21, 139, 140, 141, 210, 212, 231
Tractatus brevis de duplici potestate praelatorum et laicorum (Brief Treatise of the Twofold Power of Prelates and Laypeople) (Augustinus Triumphus), 17
Tractatus de auctoritate ecclesiae (*A Book Concerning the Authority of the Church*) (Almain), 244, 245–47, 248
Tractatus de dignitate et potestate ecclesiastica (*Concerning the Ecclesiastical Dignity and Power*) (Gansfort), 205–7
Tractatus de regia potestate et papali (*On Royal and Papal Power*) (John of Paris), 16, 62, 93, 229

Tractatus de schismate (*Treatise on the Schism*) (Zabarella), 230
Traite du sacre (Golein), 131–32
transalpine regions. *See* northern Europe
Trattato del Interdetto della Santità di Papa Paolo V (Sarpi), 275
Trew Law of Free Monarchies (James VI of Scotland), 161–62, 163
Trier, archbishop of, 200
Troeltsch, Ernst, 125, 281
Tuck, Richard, 251
Tudor dynasty, 155, 158, 159, 160. See also *Elizabeth I;* Henry VIII; Mary I
Tyndale, William, 117, 118, 158
  The Obedience of a Christian Man and How Christian Rulers Ought to Governe, 117–18
tyrannicide, xiv–xv, 171, 269, 270, 278, 286
  defense of, 255, 256, 259–61
  Huguenot aversion to, 263
  as individual and community right, 258, 261, 262. *See also* monarchomachs
  tyrant, 59, 60, 64, 81, 153
  Calvin on, 122, 241, 253–54
  consent to depose, 246, 249, 255, 265
  as instrument of God's wrath, 113, 122, 254
  kingly virtues vs., 82, 260
  natural rights vs., 198
  Paul's theology of, 251
  quattrocento Florence and, 69–70
  rightful resistance to (*see* resistance theory); usurper vs. abuser of legitimate authority as, 161, 260, 267, 269

Ugonius, Matthias, bishop of Famagusta, 341n8
Ukraine, xiv, 11
Ullmann, Walter, x, 207
ultramontanism, 236, 242, 243
unction. *See* anointing
Unità cattolica (journal), 236
universal Catholic Church. *See* Latin Catholic Church
universal empire, dream of, 1, 21–36
universitas. *See* community
universities, 53–54, 55
University of Padua, 141
University of Paris, 19, 21, 37, 177, 185, 229, 235

secular clergy-mendicant controversy and, 92–102. *See also* Sorbonnists
University of Prague, 106
Urban VI, Pope, 228
Utopia (More), 1, 83–90
interpretations of, 89, 90
utopianism, 1, 84–89
Valencia, 147
Vatican Council, First (1869–70), 236, 242, 243
Vatican Council, Second (1962–65), 21
Venice, 137, 162, 209
conciliarism and, 275, 276
papal interdict (1606) and, 241, 274, 276
papal power and, 155–56
republicanism and, 3, 58
Vergerio, Pier Paolo, 64, 65
vernacular literature, 12
Vernani, Guido, 27, 36
Verona, 58
Versailles, Pierre de, 139
Vespucci, Amerigo, 83
Vicar of Christ, 93, 102, 103, 201
Vicar of God, 132, 148
Vienne, Council of (1311–12), 16, 227
Vindiciae contra tyrannos (*A Defence of Liberty against Tyrants*) (Mornay attrib.), 258, 261, 263–68
Vio, Thomas de. *See* Cajetan, Thomas de Vio, Cardinal
virtù, 74–78
Machiavelli's meaning of, 75–78
More's Utopia and, 83–89
virtue, politics of, 2–3, 60–68, 74–90, 91
cardinal virtues and, 75
monarchs and, 81–82
virtù vince fortuna (virtue triumphs over accidental luck), 74
Visconti, Galeazzo, 37
Visconti, Gian Galeazzo, despot of Milan, 58
Visconti, Matteo, 185
Visconti despots, 58, 59, 60
visible church, 95, 100–103, 111, 119, 283, 349n150
as church of the pure, 124
Visigoths, 225

Viti, Paolo, 65
voluntarism, 164, 206, 279–80, 282, 285
voluntas dei beneplaciti vs. *voluntas dei signi* (God's hidden vs. revealed will), 169
Von dem Papstum zu Rome (*On the Papacy at Rome*) (Luther), 108
Von der Freiheit eines Christenmenschen (*On the Freedom of a Christian*) (Luther), 108
Von weltlicher Obrigkeit, wie weit man ihr gehorsam schuldig sei (*Of Temporal Authority: To What Extent It Should Be Obeyed*) (Luther), 115

Walton, Robert, 120
Walwyn, William, 241, 283
warfare, 10–11, 82
  Anabaptist rejection of, 126
  citizen vs. mercenary armies and, 73, 84, 87
  English-French, 10–11, 135, 153
  religious, 123 (*see also* Wars of Religion); Utopian abhorrence of, 84, 85, 87
Warmington, William, 276, 277
Wars of Religion (France), xiv, 10, 11, 159, 160, 171, 261–62, 282
Wars of the Roses (England), 11, 135
wealth: church accumulation of, 100, 105, 106
  legal and theological justification for, 93
Weber, Max, 125, 175, 269, 281, 288
weltlich Regiment, das (temporal government), 112
weltlich Reich, das (temporal realm), 112, 114, 116
Wessel, John. *See* Gansfort, Wessel
"Whether It Be Lawfull To Depose an Evil Guvernour, and Kill a Tyrant" (Ponet), 255
Whiggism, 149, 243, 278
White, John, 276
Widdrington, Roger (pseudonym of Thomas Preston), 276, 277
Wider die rauberischen und mörderischen Rotten der Bauern (*Against the Robbing and Murdering Hordes of Peasants*) (Luther), 115
Wilks, Michael, 18
William III, king of England, 133
William of Cremona, 96
William of Ockham, 11, 12, 37, 38, 195–99, 210, 211, 212–13, 222–24, 270, 337n50
  consent theory and, 176, 177, 199, 203, 213, 222, 249

contributions of, 196–97
emperor-pope relationship and, 44–49
excommunication of, 37
fundamental commitments of, 49
individual subjective rights and, 280
king's curative touch and, 131
works of: *Breviloquium* (*A Short Treatise on Tyranny*), 198
De imperatorum et pontificum potestate (*On the Power of Emperors and Popes*), 46
Dialogus (*Dialogue*), 46, 198, 275
Octo qaestiones de potestate papae (*Eight Questions on the Power of the Pope*), 46, 197
Opus nonaginta dierum (*Work of Ninety Days*), 46
will of God. *See* divine will
will of the people, 181, 190–91, 194–95, 214. *See also* consent
Wimpfeling, Jacob, 81
wisdom, 75, 82
Wittenberg, 108, 117
Wolsey, Thomas, Cardinal, 83, 85
women's suffrage, 350n155
Wootton, David, 282
works, salvation through, 108, 111
Wycliffe, John, 96, 99–107, 131, 132, 149, 150
core of metaphysics of, 103–4
De civili dominio (*Concerning Civil Dominium*), 99, 106
De dominio divino (*Concerning Divine Dominium*), 99
De ecclesia (*On the Church*), 101, 102
De officio regis (*On the Office of the King*), 103, 132
De veritate sacre scripturae (*On the Truth of Sacred Scripture*), 101

Yorkists, 11

Zabarella, Francesco, 230–31, 232, 273
Tractatus de schismate (*Treatise on the Schism*), 230
Zacharias, Pope, 38
Zurich, 119, 120, 123
zwei Reiche Theorie (Luther), 1, 112, 114, 116
Zwingli, Huldreich, 5–6, 107, 119–20, 122, 123, 125, 126, 253, 316n97